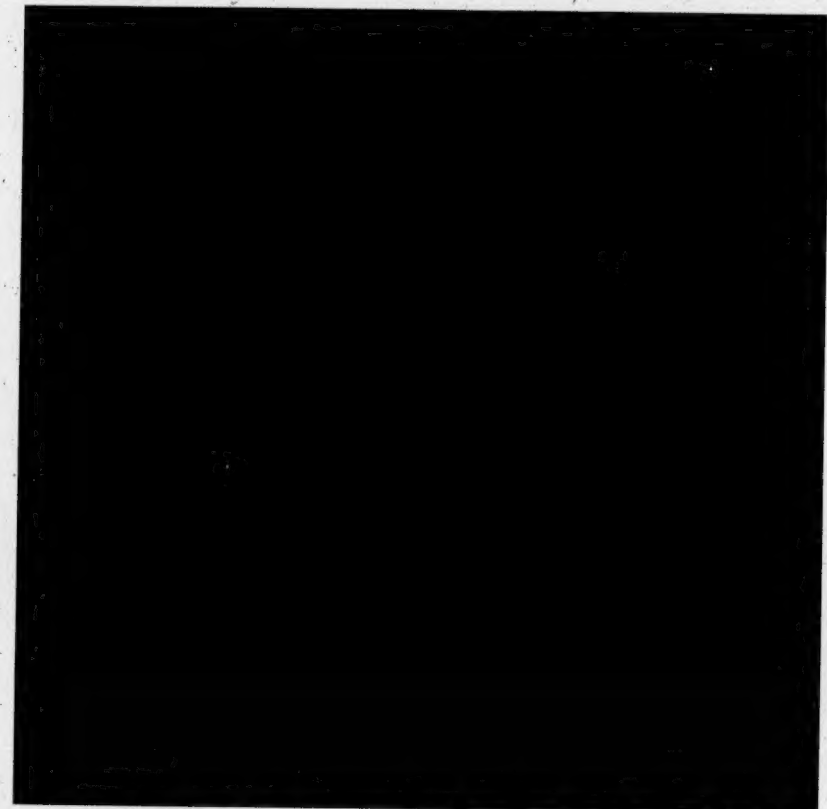
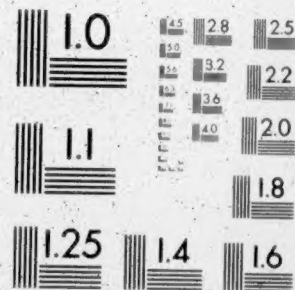
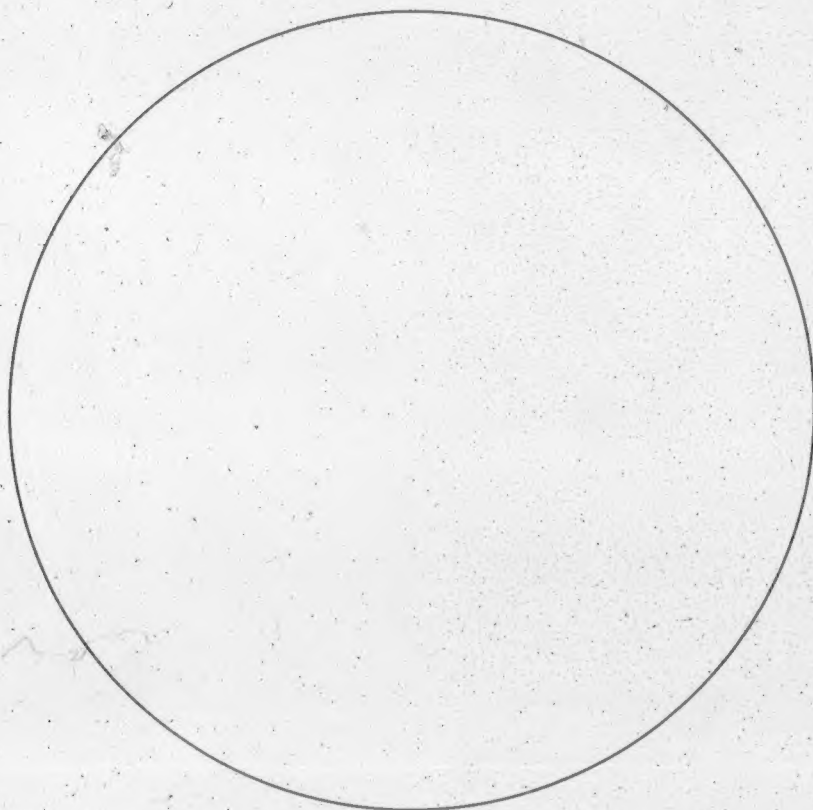
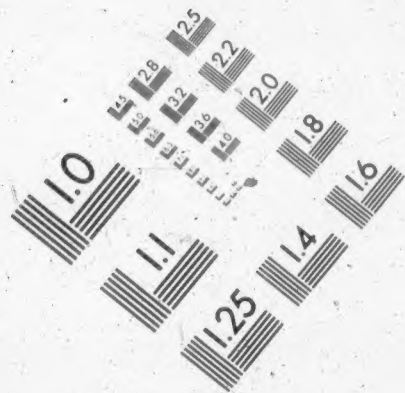
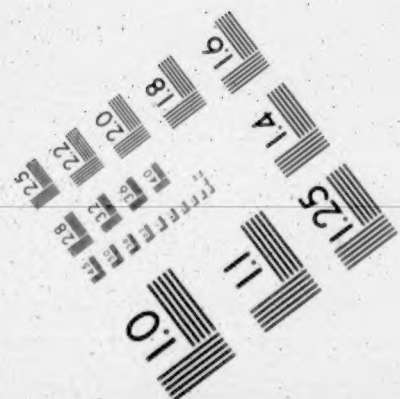
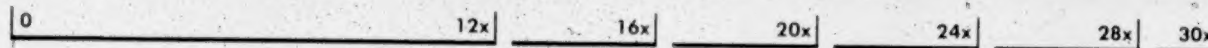




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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 160

MISSISSIPPI CHOCTAW MCR 6777 - 6897

THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Choctaw MCR 6777

James Bolton

MCR 6777

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of James Bolton, et al.,
for identification as Mississippi Choctaws.

M. C. R. 6777.

-oOo-

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of James Bolton, et al., to the Dawes Commission for identification as Mis- sissippi Choctaws-----	1
Decision of the Commission refusing the applica- tion of James Bolton, et al., for identification as Mississippi Choctaws-----	5

-oOo-

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 24, 1903.

6777

In the matter of the application of James Bolton for the identification of himself and his three minor children, Charlie, James and Jimmie May Bolton, as Mississippi Choctaws.

C.G.Lowe, representing applicants:

James Bolton, being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James Bolton.
Q What is your age? A Thirty four.
Q What is your post office address? A Pittsburg, Texas.
Q How long have you lived in Texas? A All my life.
Q Is your father living? A Yes sir.
Q Is your mother? A No sir.
Q What is your father's name? A Rufus Bolton.
Q What was your mother's name? A Mary Ann Bolton.
Q Do you claim your Choctaw blood through your father or mother?
A Through my father.
Q How much do you claim? A He is about a quarter and I would be about an eighth I guess; he might be a little more than a quarter.
Q What do you claim now? A I just claim an eighth I suppose.
Q Has your father ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of
Q Are you married? A I am.
Q What is your wife's name? A Bettie Bolton.
Q Is she living? A Yes sir.
Q What is her race? A She is about a half Indian- Choctaw I suppose and the rest is kind of mixed up- supposed to be negro though
Q Has she any white blood? A I suppose not; no sir.
Q Do you make any claim for her as a Choctaw Indian? A No sir.
Q Were either of your parents slaves at any time? A My grandmother was; I don't know whether my father or mother was.
Q Your grandmother on your mother's side? A No sir on my father's side was a slave.
Q What was her name? A Mary Philip.
Q Do you claim through your father's mother? A No sir, through my father's father.
Q Your father's mother was a slave? A Yes sir.
Q Did she have any Choctaw blood? A I don't know sir.
Q How is it you know she was a slave and you don't know whether your parents were? A I only know that.
Q What did your father say about his being a slave? A I never asked him about it.
Q What did Mary Ann, your mother, say about being a slave?
A I don't remember her saying anything about it; my mother's been dead a long while; she might have been.

J. Bolton----2

Q Have you any children you want to make application for? A Yes, three.
Q What is the name of the oldest? A Charlie; he's 11 years old.
Q The next? A James; he's nine.
Q The next? A Jimmie May.
Q Is that a girl? A Yes sir.
Q How old is she? A Four years old.
Q Is Bettie Bolton the mother of these three children? A She is.
Q Are you and she living together as husband and wife and are these children living with you at your home? A Yes sir.
Q Have you proof of your marriage to your wife with you now?
A No sir.
Q When were you married to your wife? A Fourteen years ago.
Q Where? A Wood County, Texas.
Q By a minister under a license? A Yes sir.
Q Have you proof of that marriage here? A No sir, not with me.
Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Do you come before the Commission now to identify yourself and children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830?
A What is that?
Q Well, that is the article you have heard read a great many times, I think.

In 1830 a treaty was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September that year the object of this treaty was to remove all these Indians from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the Indians who stayed back that article was made a part of the treaty; that article is the only authority under which you can make this claim to be identified as a Mississippi Choctaw, and is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A No sir I don't know.
- Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Phillips.
- Q What was the full name? A I don't know; that's my grandfather; I never seen him; I only have my father's word for it.
- Q Do you claim through your father's father? A Yes sir.
- Q And his name was what? A Phillips.
- Q Is that the last name? A I don't know whether it was the last or the first; that's all I know.
- Q He was a slave, wasn't he? A I don't know.
- Q How much Choctaw blood did he have? A He had about a half I think he said; I don't know exactly.
- Q Now, then, his wife, did she have any Choctaw blood? A I don't know.
- Q You said she was a slave? A Yes sir.
- Q Do you know if Phillip's wife had any Choctaw blood? A My, father, he obtained his name, Bolton, from his mother; he was a Phillips; my grandmother- the Bolton's owned her.
- Q How old is your father? A About 72 years old now.
- Q Well, now your father was born away back there in slavery times and his mother was a slave, you say? A Yes sir.
- Q Now, can't you give any intelligent idea whether your father was a slave? A Of course I believe he was; it might have been so but I don't remember it.
- Q Do you know whether any of your Choctaw ancestors your grandfather, Phillips, or any other lived in Mississippi in 1830 and was the head of a family there then? A I don't know definitely.
- Q Do you know whether any of your Choctaw ancestors went to Col. Ward who was the United States Indian agent within six months after the ratification of the treaty of 1830 was ratified and registered or attempted to register under article fourteen of the treaty of 1830? A No sir, I don't know.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation for five years after the ratification of the treaty of 1830 and then get a patent from the Government for that land? A Not that I know of.
- Q Did any of them claim any land under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of them go from that old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation Indian Territory between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did any of them go with any other Choctaw Indians between 1833 to 1838 or 1840 at the expense of the Government? A No sir not that I know anything about.
- Q Did any of them own any improvement on land in Mississippi or Alabama in 1830? A I don't know.

In 1837 there was a Commission appointed by an act of Congress approved March 3, and in 1842 another by an act approved August 23, these Commissions were appointed because of the claims of Choctaw Indians who claimed that they had gone to Col. Ward within six months after the treaty of 1830 was ratified and had registered or attempted to register under article fourteen of that treaty but that Col. Ward the agent had refused to allow them to register and because of his refusal those Indians had their land there taken from them by the Government and sold at its Public Land Sale.

J. Bolton----4

Q Do you know whether any of your ancestors went before either of these Commissions and claimed any benefits under article fourteen of that treaty? A No sir, I don't know.

Q Did any of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know anything about.

Q This scrip was issued under an act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the Government and sold at its Public Land Sale.

Do you speak or understand the Choctaw language? A No sir.

Q Do you want any time in this case? A Yes sir.

This applicant is allowed up to and including the 24th day of March, 1903, for the introduction of other proof in this case if he desires to present it.

Q Have any of your relatives been before the Commission? A Not that I know anything of; no sir.

This applicant has the appearance and physical characteristics of being descended from negro parentage; the Commission is unable to determine from his physical appearance or style of talking or manner any other than negro blood. He does not understand or speak the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on February 24, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of March, 1903.

Charles H. Sawyer

Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of James Bolton, et al., for identification as Mississippi Choctaws, M.C.R. 6777.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by James Bolton for himself and three minor children, Charlie, James Jr., and Jimmie May Bolton, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the principal applicant herein claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being

a descendant of Rufus Bolton, who is alleged to have been a quarter blood Choctaw Indian; and that the minor applicants herein claim said rights by reason of being descendants of the above named ancestor and Bettie Bolton, who is alleged to have been an one-half blood Choctaw Indian.

It appears from the evidence submitted by the applicants that they claim from a more remote Choctaw ancestor than Rufus Bolton who is alleged to have been the grandfather of the principal applicant, but they are only able to give the surname of this ancestor and it is, therefore, impossible for the Commission to determine whether or not that ancestor was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Rufus Bolton, or Bettie Bolton, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said

article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Bolton, Charlie Bolton, James Bolton, Jr. and Jimmie May Bolton, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Jams Bixby.

Chairman.

G. E. [unclear]

Commissioner.

C. R. Breckinridge.

Commissioner.

W. E. Stanley

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904

M C R 6777

Muskogee, Indian Territory, April 23, 1903.

James Bolton,

Pittsburg, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, asking that you be allowed further time in which to introduce additional evidence in support of your claim as a Mississippi Choctaw.

In reply you are informed that if you submit such evidence prior to May 15, 1903, it will receive the consideration of the Commission.

Respectfully,

Muskogee, Indian Territory, May 2, 1903.

J. B. Bolton,
Pittsburg, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you state that your father was a slave, and that your attorney told you if this was true you would have no chance. You ask to be advised in regard thereto.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision relative to your right to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, or who subse-

J B B 2

quently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the Acts of Congress approved March 3, 1837 and August 23, 1842.

Respectfully,

Chairman.

M.C.R. 6777
COPY.

Muskogee, Indian Territory, April 5, 1904.

C. G. Lowe,
Attorney at Law,
Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Bolton et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Neodes.
Commissioner in Charge.

Registered.

M.C.R. 6777.

CCPY.

Muskogee, Indian Territory, April 5, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Bolton et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. E. Nease,
Commissioner in Charge.

Inc. M.C.R. 6777.

M.C.R. 6777.

COPY:

Muskogee, Indian Territory, April 5, 1904.

James Bolton,

Pittsburg, Texas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Bolton et al., including you and your children Charlie Bolton, James Bolton, Jr. and Jimmie May Bolton.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Registered.

Commissioner in Charge.

Puskogee, Indian Territory, April 22, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of James Bolton et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(Signed) TAME BIXBY,

Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. MCR 6777.

Land.
28294-1904.

DEPARTMENT OF THE INTERIOR, (COPY)
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to the record of the Commission to the Five Civilized Tribes, in the matter of the application for identification as Mississippi Choctaws of James Bolton for himself and his three minor children, Charlie, James Jr. and Jimmie May Bolton, wherein a decision adverse to the applicants was rendered by the Commission March 15, 1904.

The record in this case shows that the applicants who are residents of the Indian Territory base their claims to a right to identification on their descent from one Phillips, through the son of Phillips, Rufus Bolton. As to whether this ancestor was a recognized citizen of the Choctaw tribe in 1830 or received any benefits under the provisions of the 14th article of that treaty, the witnesses are unable to state, nor are they able to give the residence of the ancestor of 1830, or whether he owned any land in Mississippi subsequent to the treaty.

The statement of the Commission is that the applicant has the appearance and physical characteristics of being descended from negro parentage.

The Commission rejected the applicants for the reason that the names of Rufus and Bettie Bolton were not found in the list of those

Choctaw Indians who received benefits under the 14th article of the Choctaw treaty of 1830, or subsequent legislation relative thereto.

An examination of the records of this office has been made with reference to the names of Phillips, Bettie Bolton and Rufus Bolton, and it is ascertained that none of these names appear among those of the Choctaw Indians who received benefits under the provisions of the 14th article of the Choctaw treaty or subsequent legislation relative thereto. I therefore recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

EBH/LM.

DC-21484-1904.

(COPY).

J.W.H.

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ITD.4324-1904.

L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

June 21, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

April 21, 1904, you transmitted the record in the matter of the application of James Bolton, et al., (M.C.R. 6777), for identification as Mississippi Choctaws, including your decision of March 15, 1904, refusing to identify them as such.

Reporting in the matter May 26, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby approved.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

M.C.R. 6777

COPY!

Muskogee, Indian Territory, June 30, 1904.

James Bolton,

Pittsburg, Texas,

Dear Sir:

You are hereby notified that on the 21st day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Bolton et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.C.R. 8777

COPY.

Muskogee, Indian Territory, June 30, 1904.

C. G. Lowe,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 21st day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Bolton et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

H.C.R. 6777

Muskogee, Indian Territory, June 30, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 21st day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Bolton et al., of which decision you were advised by mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

6777-

No.

6777

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 24 1903

Date

Name

James Bolton

Age

34

Blood

1/8

Post Office

Pittsburg Tex.

Father:

Rufus Bolton. l.

Mother:

Maryann " d

Claims through

father - 1/4 -

wife.

Bettie Bolton

l.

No claim for wife -

1/2 mō. 1/2 negro.

Children:

Charlie Bolton, 11

James " 9

Jimie May " F. 4

Claims for self
and 3 minor

Stenographer

H. Y. 7111

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

R. 677

James Bolton et al

REFUSED.

DECISION RENDERED MAR 15 1904

NOTICE OF DECISION FORWARD

APR 10 1904

COPY TO

ATTORNEY

CHICKASAW

APR 10 1904

RECORDS FORWARDED CLERK

APR 21 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 30 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUN 30 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUN 30 1904

REFUSED.

Choctaw MCR 6778

James Sanders

MCR 6778

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of James Sanders, et al.,
for identification as Mississippi Choctaws, M.C.R. 6778.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of James Sanders, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of James M. Lunsford-----	7
Affidavit of Alice Sanders-----	9
Decision of the Commission refusing the applica- tion of James Sanders, et al., for identification as Mississippi Choctaws-----	10

-oOo-

copy

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of James Sanders, et al.,
for identification as Mississippi Choctaws, M.C.R. 6778.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by James Sanders for himself and his three minor children, James, Jr. Alice and Roy Sanders, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Matchitubbee (or Machitubbee), who is alleged to have been a full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Watchitubbee (or Machitubbee), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Sanders, James Sanders, Jr., Alice Sanders and Roy Sanders, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred

and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Jame S. ...

Chairman.

(SIGNED)

I. B. Neale.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, February 27, 1903.

In the matter of the application of James Sanders for the identification of himself and his three minor children, James, Alice and Roy Sanders as Mississippi Choctaws.

James Sanders being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James Sanders.
- Q What is your age? A Fifty six the 26th day of last January according to the best of my ability.
- Q What is your post office address? A Norman Oklahoma.
- Q How long have you lived in Norman Oklahoma? A In that vicinity fourteen years.
- Q Where did you live before you went to Oklahoma? A I went from the Cherokee Nation to Missouri and from the Choctaw Nation to the Cherokee Nation.
- Q Where were you born? A In Mississippi.
- Q Where in Mississippi? A Well now neighbor I just naturally cant tell you.
- Q Can you tell what county? A I think as high as I can get at it that my mother said we come from the Mongola District.
- Q How long did you stay in Mississippi before you left there?
- A I was small when I left there.
- Q Where did you go to? A I come down here, I think, it would be on the west edge of Arkansas.
- Q You went from Mississippi to Arkansas. A It might have been in the Choctaw Nation but it was in there somewhere.
- Q How long did you live in that neighborhood? A I cant exactly tell you my friend.
- Q Give me a general idea whether you stayed there one year or ten? A I will say a year.
- Q Then you went where? A I think that I went then to the Choctaw Nation.
- Q Do you know where you lived at that time? A No sir I was small but they lived all the way from there clear into Missouri.
- Q The fact is you lived a roving sort of life a number of years before you went to Oklahoma? A O, yes.
- Q In and out of the Indian Territory and in Missouri and around yes.
- Q But you have been now how many years in Oklahoma? A Fourteen years.
- Q Is your father living? A I expect my father's dead; haven't heard from him in several years.
- Q Is your mother living? A My mother's been dead a number of years.
- Q What was your father's name? A My father's name was Sanders.
- Q What was the first name? A John.
- Q What was your mother's name? A My mother's name -- we called her Mollie and she had no indian name only jefferson; mother's dead; she didn't have any indian name.

- Q And after she married you called her Sanders? A Yes sir.
- Q Do you claim your Choctaw blood through your mother? A My mother and grandmother.
- Q Not any through your father? A No sir; my father's a Frenchman.
- Q How much Choctaw blood do you claim? A One fourth.
- Q How much was your mother? A Half breed.
- Q Has your mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A Yes sir my mother was enrolled; she has told me so.
- Q Where, in Mississippi? A In Mississippi.
- Q Not in the Choctaw Nation Indian Territory? A In the Choctaw Nation Mississippi.
- Q But not in the Indian Territory? A No sir my mother's been dead a number of years.
- Q On what rolls do you claim your mother was enrolled in the Choctaw Nation in Mississippi? A I don't exactly know what you mean by making the statement; I want you to explain it.
- A Well, sir, I'm ignorant as a horse you know.
- Q You don't mean she was placed on any rolls in Mississippi, you mean she was recognized by the other Indians as a Choctaw Indian. A She was under the fourteenth something.
- Q You mean the fourteenth article of the treaty of 1830? A Yes sir; you see I've got no education.
- Q How do you know about that fourteenth article? A Only what my mother told me.
- Q Any one else? A No sir.
- Q Didn't some lawyer tell you something? A No sir I never had a lawyer.
- Q Are you married? A I've been married thirty four years.
- Q What's your wife's name? A Alice.
- Q Did you say she was an English woman? A Yes sir.
- Q Was she born in England? A Yes sir and raised there.
- Q How old was she when she came to this country? A Fifteen.
- Q You don't make any claim for her as a Choctaw? A No sir.
- Q How many children have you under age and unmarried? A Three.
- Q Give me the name of the oldest. A James.
- Q How old is he? A Thirteen years old, fourteen years old in April.
- Q The next? A Alice; twelve years old.
- Q The next? A Roy. Ten years old.
- Q You make this application for yourself and your three children do you? A Yes sir.
- Q Is your wife Alice the mother of these children? A Yes sir.
- Q When were you married to her? A In the year seventy.
- Q Can you tell the day of the month? A The 11th of November.
- Q Were you married by a minister under a license? A No sir.
- Q Justice of the peace? A Justice of the peace.
- Q Where? A Nebraska.
- Q What place? A Brownsville.
- Q Have you the proof of your marriage now? A No sir; we did have it until it was blown away in the cyclone.
- Q Is your name with the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I guess not.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory. A No sir, never said a word, to any man but you.
- Q You never made application to the Dawes Commission under act of Congress of June 10, 1896? A No sir.

- Q This is your first application you have ever made to any authority whatever for citizenship for your self and children is it? A Yes sir and it will be the last one.
- Q Do you now come before this commission to identify yourself and children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Now you say you have heard about article fourteen? A I've heard my mother tell about it. And this Dancing Rabbit Creek; that treaty was known as the Dancing Rabbit Creek Treaty.
- Q Did you ever hear about the treaty of Dancing Rabbit Creek and article fourteen in that treaty from anybody else besides your mother? A Never did sir, I never paid no attention to it. My mother and father is all that told me.
- Q You never heard it explained by anybody else? A No sir.
- Q Do you understand that article? A No sir.

As you probably have heard this treaty of 1830 or the treaty of Dancing Rabbit Creek as it was sometimes called was a treaty made between the United States government and the Choctaw Indians at this place in Mississippi called Dancing Rabbit Creek; the date of the treaty was the 27th day of September 1830; the government in making this treaty with the Indians desired to remove them from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory and by making this treaty with them the Indians consented to go when they signed the treaty but all did not consent to go; some of them stayed back in the old Choctaw Nation and when it was understood before the treaty was signed that those Indians would not go to the Choctaw Nation Indian Territory then a demand was made on the part of the Indians for some provision to be made for those Indians who stayed back in the old Choctaw Nation and this provision was in article fourteen of the treaty of 1830 which was drawn up and put into the treaty. Now article fourteen is the article under which you make your claim today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now do you know whether any of your ancestors complied with that treaty or tried to; did your grandmother? A They owned land there; I don't know anything about it; I don't know anything about this business.

- Q Tell me who you claim through. A My mother and grandmother.
Q Your mother's mother? A Yes sir.
Q What's her name? A Matchitubbee.
Q That's an Indian name is it? A That's what grandmother's name was.
Q It's an Indian name isn't it? A I reckon so.
Q What other name did she have if any? A Not that I know of any.
Q Now much Choctaw blood did she have? A Mother said she was a full blood blanket Indian.
Q Where did she live? A She lived in Mississippi.
Q Was your mother born in Mississippi? A Yes sir.
Q Were you? A Yes sir.
Q Did your grandmother watchitubbee live there in 1830 when the treaty was made and have a family living there then?
A Yes sir, according to my best understanding.
Q What was the name of the husband of watchitubbee? A I cant tell you.
Q Was he a Choctaw Indian? A I cant tell you.
Q How old would watchitubbee your grandmother be if living now? A O I expect she would be -- I cant tell you; she would be pretty old; my mother I know was way over eighty years old.
Q When she died? A No I say she would be now if she was living; because mother was pretty old when she died. Of course I cant get down to the facts.
Q Your mother was born in Mississippi over eighty years ago?
A Well she was a good big child when that treaty was made.
Q And lived in Mississippi? A Yes sir.
Q With her mother Matchitubbee? A Yes sir.
Q Did watchitubbee go to the United States Indian agent Colonel William Ward within six months after the treaty of 1830 was ratified and tell him that she wanted to stay in Mississippi take land and become citizen of the states. A She took land
Q You don't know whether she went to Colonel Ward? A No.
Q Did you ever hear about Colonel Ward? A Yes sir I expect I have.
Q Who was he; do you know? A No sir.
Q He was the United States Indian agent and lived in Mississippi in 1830 and 1831. A You see I've got to recollect a long time; if I had ever kept it in my mind I could recollect; my mother told me lots of things.
Q How old were you when she told you about the treaty of 1830?
A I was quite a little boy; I can recollect ever since ten years old plainly.
Q What did she tell you? A Mother has often told me before she died that there would be land for us children.
Q Do you remember your grandmother watchitubbee? A No sir.
Q Never saw her? A Not as I recollect.
Q What kind of looking woman was your mother? A Well my mother was in her young days a tolerably heavy set woman.
Q Was she light or dark? A She was dark; you see I'm very dark myself.
Q What was the color of your mother's hair? A Black.
Q Eyes? A Black.
Q Complect on? A Awful dark skinned.
Q Could she speak Choctaw? A Yes.
Q Could you? A No.
Q Could your grandmother? A Of course she could because she was Indian.

- Q Did you ever hear your mother say that her mother could speak the Choctaw language? A O, yes sir.
- Q Do you know whether Watchitubbee your grandmother or your mother or any Choctaw ancestor of yours lived on land in Mississippi or Alabama in the old Choctaw Nation five years after the treaty of 1830 was ratified and whether at the end of that period of time they received a patent from the government for that land? A I recollect my mother saying the government had taken their land from them.
- Q Did she didn't get a patent for the land in Mississippi?
- A That's just what she told me.
- Q You never heard of any patent did you? A I don't know whether I did or not.
- Q You know I mean a deed by patent. A My mother said the government took that land away from them.
- Q Do you know when that land was taken from them and why? A No sir I don't know why.
- Q Did any of your Choctaw ancestors Watchitubbee or your mother or any other Choctaw ancestor go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A My mother died this side of the Mississippi river.
- Q Did she come from Mississippi with her mother or did her mother die in Mississippi? A I suppose her mother died in Mississippi.
- Q Then your mother came from Mississippi and did she reach the Indian territory at any time? A O yes she stopped over here either in Arkansas or this country.
- Q Do you know whether it was in Arkansas or the Indian Territory? A I can't exactly tell you.
- Q You can't say positively that she ever did live in the Indian territory? A I won't be positive.
- Q Do you know when it was she left Mississippi and went away from there? A Not exactly; I was quite a little boy.
- Q You came with her? A Yes sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A They had land but mother said it was taken away from them.
- Q Have you any idea how long they held that land? A No sir.
- Q Do you know during what years they held it? A No I don't know.
- Q Do you know how much land there was and how it was bounded?
- A No sir.
- Q Do you know where it was located? A No sir I don't know.

In 1837 a commission was appointed by act of Congress approved March 3rd of that year; in 1832 another commission was appointed by act of Congress approved August 23rd of that year; these commissions went to Mississippi and heard Choctaw Indians who claimed that they had gone to Colonel Ward within six months from the ratification of the treaty of 1830 and had registered or attempted to register under article fourteen of the treaty of 1830 but because Colonel Ward the agent refused to allow them to register the government had afterwards taken the land from those Indians and had sold that land at its public land sales; this land which was taken from the Indians was located in the Choctaw Nation either

er in Mississippi or Alabama.

- Q Now do you know whether any of your Choctaw ancestors Watchitubbee or your mother or any other Choctaw ancestor of yours went before either of these commissions, that of 1837 or 1842 and claimed any benefits under article fourteen of that treaty; do you know about that? A Well I wont say I heard them talk but I wont say, neighbor, I wont say only what I know.
- Q Do you know whether any of your Choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I don't know sir.

This scrip was issued under act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw nation and sold by the government.

- Q Do you speak the Choctaw language or understand it? A No sir.
- Q Have you a lawyer? A No sir, I dont want one.
- Q Do you want a little time in which to look this matter up further? A You know more about it than I do; I'm depending on you strictly; I don't know a thing about it neighbor I tell you; you know more about it and if you think---- I'm ignorant as a horse and don't know anything about it.
- Q If you have no attorney to advise you the Commission will allow you up to and including the 24th day of March 1903 for the purpose of presenting any other testimony or proof that you may desire to present here in support of this application and we advise you to try as far as you can to get evidence in this case showing that Watchitubbee your grandmother lived in Mississippi in 1830, had a family living with her then and complied or attempted to comply with that article fourteen of the treaty of 1830.

This applicant has the appearance and physical characteristics of being descended from white parentage; hair is black; eyes are brown; complexion is dark; mustache and whiskers are black sprinkled with gray; he has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 27th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Subscribed and sworn to before me this 7th day of March 1903.

Charles W. Sawyer

Notary public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T., July 3, 1903.

Additional Testimony

In the matter of the application of James Sanders, et al.,
for identification as Mississippi Choctaws--- M.C.R. 6778.

James M. Lunsford being duly sworn as a witness, testified as follows:

Examination by the Commission:

- Q What is your name? A James M. Lunsford.
Q How old are you? A I was born in 1850, November 8.
Q What is your post office address? A Tishomingo.
Q How long have you lived in the Indian Territory? A All my life; I was born at Pauls Valley.
Q Lived continuously in the Choctaw and Chickasaw Nations all your life? A Well, I have been out of it; I have been in Texas some and Oklahoma.
Q But you have always made your home in the Indian Territory? A Yes sir.
Q You appear before the Commission at this time to give evidence in the matter of the application of James Sanders for the identification of himself and his three minor children as Mississippi Choctaws? A I do for Sanders; I don't know anything about his children; I know him quite well; I know his mother; but I don't think I ever saw any of his children.
Q Where did you first become acquainted with James Sanders? A In Skullyville County, near where Redland post office is now.
Q When? A When he was about 10 or 12 years old.
Q Do you know where James Sanders was born? A No sir.
Q About how old was he at the time you first knew him? A About 15 or 16.
Q What is his name? A John Sanders.
Q He was a white man, was he? A Yes sir.
Q What was the name of James Sanders mother? A Mollie Sanders.
Q Do you know what her maiden name was? A Yes sir, Jefferson.
Q Do you know through which parent James Sanders claimed his Choctaw blood? A I think through his mother; she looked like an Indian.
Q Do you know anything with reference to the amount of Indian blood claimed or possessed by Mollie Jefferson? A No sir, I don't; she said she was the Indian; that's all I knew.
Q Know where Mollie Jefferson was born? A No sir.
Q Do you know where she lived prior to the time you first knew her in the Choctaw Nation? A I heard she lived in Mississippi.
Q But you don't know anything personally about that? A No sir.
Q Do you know the name of the father of Mollie Jefferson? A No sir.
Q Do you know the name of the mother of Mollie Jefferson? A No sir.
Q Do you know through which parent Mollie Jefferson claimed her Choctaw blood? A No sir.

Q You are not able to trace the ancestry of James Sanders any farther back than to his mother whose maiden name was Mollie Jefferson? A That's all.

Q And you know nothing of the family history of Mollie Jefferson prior to the time you knew her in the Indian Territory about 35 or 40 years ago? A No sir, I know nothing of her.

Q Do you know anything whatever relative to any of the ancestors of James Sanders through whom he claims his right to identification as a Mississippi Choctaw ever claiming or receiving any land or scrip under the provisions of article 14 of the treaty of 1830 in Mississippi from the Government of the United States? A No sir.

Q Are there any further statements you wish to make in reference to this case? A No sir.

Q Were you well acquainted with the mother of James Sanders? A I was at their house about 3 months sick.

Q While you were at their house did you hear her make any statements with reference to whether or not herself or her parents ever obtained any land from the Government in Mississippi or attempted to do so? A No sir.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on July 3, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 6 day of July, 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, August 10, 1903.

James Sanders,

Norman, Oklahoma .

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of interrogatories propounded to Theodosia Yarber and Washington Pendleton, and the same not being in proper form are herewith returned.

You are informed that under the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, an affidavit by the applicant must first have been filed setting forth one or more causes enumerated under Rule 1 for the taking of such depositions; that the testimony of the witnesses is material to his claim and specify the facts sought to be adduced in the taking of such depositions. He must also file with the Commission such interrogatories as are to be propounded to the witness whose full name and residence must be given.

A copy of said Rules and Regulations is herewith enclosed and by reference thereto you will note that under Rules 12 and 13 proof of service upon the attorneys for the Choctaw and Chickasaw Nations, Mansfield, McMurray & Cornish, South McAlester, Indian

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Territory, of a copy of the interrogatories must be filed with the Commission. Such service may be procured by sending the original interrogatories and copy thereof to the United States Marshal at South McAlester, Indian Territory, with instructions to make service of the copy upon said attorneys returning the original with proof of service to this Commission. Upon return of the above mentioned papers in proper form a commission will be issued and forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Respectfully,

Commissioner in Charge.

Enc. McM 22

R & R Dep.

M C R 6778

Muskogee, Indian Territory, January 16, 1904.

James Sanders,

Paoli, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, enclosing description of certain land on which you desire to file; a one dollar bill; a letter from one J. M. Lumsford; and what purports to be a copy of a notice from the Chickasaw Land Office.

In reply you are informed that on February 25, 1903, James Sanders, fifty-six years of age, post office address Norman, Oklahoma, made application to this Commission for the identification of himself, and his minor children, James, Alice and Roy Sanders, as Mississippi Choctaws.

If you are the identical James Sanders mentioned above, you are advised that no decision has yet been rendered relative to the rights of yourself and children to such identification, but when a decision is rendered you will be duly notified.

Inasmuch as your rights have in no manner been determined, you cannot, at this time, be permitted to make selection of allotment of the lands of the Choctaw-Chickasaw country, and your

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money and papers enclosed in your letter of the 5th instant are
herewith returned.

Respectfully,

Chairman.

MoM 88

H.C.R. 6778.

COPY.

Muskogee, Indian Territory, April 6, 1904.

James Sanders,

Norman, Oklahoma,

*Remailed to
Paoli, Ind. Aug 1-1904*

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of James Sanders and his children, James Sanders Jr., Alice Sanders and Roy Sanders.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge .

Registered.

M.C.R. 6778.

COPY!

Muskogee, Indian Territory, April 6, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Sanders et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Inc. M.C.R. 6778.

Commissioner in Charge.

Muskogee, Indian Territory, April 22, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of James Sanders et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James Dixie
Chairman

Through the
Commissioner of Indian Affairs.

2 Encls. MCR 6778.

(COPY)

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land.

WASHINGTON

June 9, 1904.

28271-1904.

The Honorable,

The Secretary of the Interior.

Sir:

Permit me to invite your attention to record of the Commission to the Five Civilized Tribes in the matter of the application of James Sanders, for the identification of himself and three minor children, James Jr., Alice and Roy Sanders, as Mississippi Choctaws, wherein a decision was rendered by the Commission adverse to the applicants on March 15, 1904.

The record in this case shows that the applicants found their claims to a right to identification on their descent from Matchitubbee, the grandmother, and Mollie Jefferson, mother of the Principal applicant. It is alleged that these ancestors were Choctaw Indians and residents of Mississippi in 1830. These ancestors owned land in Mississippi, but as to how it was acquired the witnesses were unable to state. As to whether either of the ancestors complied or attempted to comply with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830, or the subsequent legislation relative thereto, they are unable to state.

The Commission rejected the applicants for the reason that the name of Matchitubbee is not found among the names of those Indians who complied with the provisions of the Fourteenth Article of the Choctaw Treaty or the subsequent legislation relative thereto.

While it is claimed that Matchitubbee was the grandmother of the applicants, the ending of the name in "tubbee" indicates that is a male and not a female name.

An investigation of the records of this office has been made with reference to the names of Matchitubbee and Mollie Jefferson, and it is discovered that the name of Matchitubbee does not appear among the reservees or scrippees under the Fourteenth Article of the Choctaw Treaty and the subsequent legislation, nor does any name similar in sound to Matchitubbee. Neither does the name of Mollie Jefferson so appear.

It is therefore my judgement that the decision of the Commission rejecting the applicants should be approved, and I so recommend.

Very Respectfully,

A. C. Tonner.

Acting Commissioner.

E. B. H. - L. C.

(COPY)

J.W.H.

DEPARTMENT OF THE INTERIOR.

CMR

D.C. 26273-1904. WASHINGTON July 22, 1904.

A.T.D. 4776-1904.

I.R.S.

The Commission

to the Five Civilized Tribes,

Gentlemen:

The Chairman with his letter dated April 22, 1904, transmitted to the Department the record in the matter of the application of James Sanders for the identification of himself and his three minor children, James, Alice and Roy Sanders, as Mississippi Choctaws, together with the opinion of your Commission dated March 13, 1904, refusing to identify them as such.

Forwarding the papers June 9, 1904, the Acting Commissioner of Indian Affairs recommends approval of your decision.

The Department also concurs and your decision is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

M.C.R. 6778

COPY.

Muskogee, Indian Territory, August 1, 1904.

James Sanders,

Paoli, Indian Territory,

Dear Sir:

You are hereby notified that on the 22nd day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Sanders et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

COPY!

Muskogee, Indian Territory, August 1, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

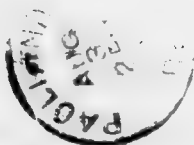
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Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 12 1904

CHAIRMAN

Department of the Interior.

Commissioners to the Five Civilized Tribes,
MUSKOGEE, INDIAN TERRITORY

General Office

Advising that the Secretary of the Interior has affirmed Commissioner's decision, refusing application for identification as a Mississippian.

Removed. LEFT NO ADDRESS

James Sanders PETERSON
Peoria, Indian Territory



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, INDIAN TERRITORY.

General Office

Advising that the Secretary of the Interior has affirmed Commission decision, refusing application for identification as a Mississippian. Octaw.

Removed. LEFT NO ADDRESS

James Sanders,
Pawnee, Indian Territory.



6775

No.

6778

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 2, 1903

Name James Sanders.

Age 56

Blood 1/4

Post Office, Norman. Okla

Father: John Sanders. d

Mother: Mollie .. d.

Claims through mother 1/2

Wife:

Alice Sanders. w. l.

No claim for wife.

Children:

James Sanders 13

Alice .. 12

Roy .. 10

Claims for self
and 3 minors.

Stenographer Clara Mitchell Wood



DEPARTMENT OF THE INTERIOR,
IMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 18 1904

A handwritten signature in dark ink, appearing to be 'W. B. Smith'.

CHAIRMAN

REC.
TO
WR

Department of
Commission to the PH

Muskegon

OFFICIAL

Penalty for priv



Removed. LEFT NO
ADDRESS

To Ten

R. 6

James Sanders et al

ACTED BY
FOREIGNER.

NOT
AGREED

NOTE

ON
TO NEW

Choctaw MCR 6779

Richard R. A. Jones

MCR 6779

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 25, 1903.

In the matter of the application of Richard Robert Alexander Jones for the identification of himself and his four minor children, Joseph Monroe, Willis Charles, Isaac Leonard, and William Arthur Jones as Mississippi Choctaws.

S.B.Dawes,)
and) ---- Attorneys for applicant.
M.S.Cobb,)

Richard Robert Alexander Jones being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Richard Robert Alexander Jones.
Q What is your age? A Thirty one.
Q What is your post office address? A Detroit Texas.
Q How long have you lived there? A About six years.
Q Where did you live before that? A Arkansas.
Q Where were you born? A Hot Springs County.
Q Arkansas? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Willis Cornelius Jones.
Q Willis C. Jones? A Yes sir.
Q He made application to be identified as a Mississippi Choctaw did he not the other day? A Yes sir.
Q What is your mother's name? A Mar. Adeline.
Q Through which parent do you claim Choctaw blood? A On father's side.
Q How much do you claim? A One sixteenth.
Q You claim your father is one eighth Choctaw? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Lucy Jane.
Q She's living? A Yes sir.
Q What is her race. A She's a white woman.
Q Do you claim for your wife? A No sir I don't claim for my wife now.
Q Have you any minor children that you wish to make application for? A Yes sir.
Q How many? A Four.
Q What is the name of the oldest. A Joseph Monroe.
Q How old is he? A Twelve years old.
Q Next? A Ten.
Q What is the name of the ten year old child? A Willis Charles.

- Q What is the name of the next? A Isaac Leonard. Eight years old.
- Q Next? A William Arthur.
- Q How old? A Five years.
- Q Is that all? A Yes sir.
- Q Is your wife Lucy Jane Jones the mother of these children?
- A No sir.
- Q Who is the mother of these children? A Mary Ellen.
- Q Is your wife Lucy Jane Jones your second wife? A Yes sir.
- Q What is your first wife's name? A Mary Ellen.
- Q Is she living? A No sir.
- Q What was her race? A White.
- Q Then these are your children by your first wife Mary Ellen Jones? A Yes sir.
- Q They claim no Choctaw blood through their mother? A No sir.
- Q Have you the proof of your marriage to your first wife Mary Ellen Jones? A Yes sir.
- Q Do you want to present it? A Yes sir.

The marriage license and certificate of the marriage of Richard Jones and Mary E. Ewing is presented by him, received, filed, marked exhibit A and made part of the record in this case; also the original marriage license and certificate of the marriage of R. A. Jones and Lucy Reed presented by applicant received filed marked exhibit B and made part of the record in this case.

- Q Is this R. A. Jones your name? A Yes sir.
- Q And Lucy Reed is your present wife Lucy J. Reed or Jones?
- A Yes sir.
- Q Is your name with the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
- A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made any such application to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission now to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir.

The treaty of 1830 or the treaty of Dancing Rabbit Creek as it is sometimes called was a treaty made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830; before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Indian Territory and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw nation provisions were made for them in article fourteen of the treaty of 1830 which article was made part of that treaty before its signature. Article fourteen under which you make your claim today is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I don't know only what I've heard talked of it.
- Q Who is the ancestor through whom you claim your right to be identified? A Robert Jones
- Q What was that name you gave? A Robert Jones is the grandfather
- Q What was the other name? A Rebecca Bop or Bop.
- Q You claim through Robert Jones do you? A Yes sir.
- Q The son of Rebecca Bop or Bop? A Yes sir.
- Q Was Robert Jones your grandfather? A Yes sir.
- Q Now did Robert Jones live in Mississippi or Alabama? A Lived in Mississippi.
- Q Did he live there in 1830 and have a family living with him at that time? A I don't know.
- Q Did Rebecca Bop or Bop his mother live in Mississippi in 1830? And have a family living there then? A I don't know.
- Q It has been testified to here by your father Willis C. Jones when he made his application that he claimed through his father Robert Jones as the least remote ancestor who lived in Mississippi in 1830 and had a family there then and who attempted to comply with article fourteen of the treaty of 1830; it is claimed by relatives of yours who claim through Rebecca Bop or Bop Robert Jones's mother that she also lived in Mississippi in 1830 and had a family there then and also complied or attempted to comply with article fourteen of the treaty of 1830.
- Q Now do you know which is the least remote ancestor who lived in Mississippi in 1830 who tried to comply with article fourteen; Robert Jones or his mother Rebecca? A How was that.
- Q Do you know which was the least remote ancestor who lived in Mississippi in 1830 and tried to comply with article fourteen of that treaty? A No sir.
- Q Willis C. Jones your father made application for identification as a Mississippi Choctaw; would you like to have the testimony given by him in his case considered as part of your own? A Yes sir.

The case of Willis C. Jones M.C.R. 6755 is here referred to for the purpose of consolidation.

- Q Do you know whether any Choctaw ancestor of yours went to the United States Indian agent Colonel Ward within six months after the treaty of 1830 was ratified and registered or attempted to register under article fourteen of that treaty?
- A Only what I've been told.
- Q Have you been told that? A I've heard my grandmother talk about it.
- Q Her name was what? A Malinda Jones.
- Q She told you what? A I cant tell you what; just heard her talk when I was a boy.
- Q Did she tell you about article fourteen? A No sir.
- Q Or about Colonel Ward the United States Indian agent? A No sir.
- Q Did any Choctaw ancestor of yours live on land in the old Choctaw Nation either in Mississippi or Alabama for a period of five years and at the end of that time receive a patent from the government for that land? A I dont know.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830?
- A I've been told they did.
- Q They claimed it by going to Colonel Ward and trying to register; is that it or dont you know? A I dont know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A I dont know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians between 1833 and 1838 or forty?
- A I dont know.
- Q Did they go at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation Indian Territory? I dont know.
- Q Did any of your Choctaw ancestors go before a Commission appointed by act of Congress approved March 3 1837 or before a commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830? A I dont know.

These commissions were appointed one in 1837 and the other commission in 1842 for the purpose of hearing Mississippi Choctaw Indians who claimed that they had gone to Colonel Ward within six months after the treaty of 1830 was ratified and had attempted to register under article fourteen of the treaty of 1830 but because Colonel Ward refused to allow them to register or because he neglected to put their names on his registry list the government afterwards took the land from those Indians which they were occupying in the old Choctaw nation and sold it at its public land sales.

- Q Did you ever hear that any of your Choctaw ancestors Robert Jones or any other claimed any rights or benefits under article fourteen by going to these commissions either of the m
- A I've heard it talked but I dont know anything about it; I've heard it though
- Q You have no proof have you of that fact? A No sir.
- Q This is based upon rumour is it and tradition. A yes sir.
- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir.

This scrip was issued under act of Congress approved August

23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and who also further proved that their land in the old Choctaw nation had been taken from them by the government and sold at its public land sales.

- Q Do you speak the Choctaw language or understand it? A Some little.
- Q Can you count in Choctaw? A A little.
- Q Do you understand it well enough to carry on a conversation in that language or do you know a few words? A I know a few words; I cant talk in common conversation with a Choctaw; I cant count but very little; know the names of several different things.
- Q You picked it up by being with them? A No I learned it from my father.

Time will be allowed this applicant to and including the 24th day of March 1903 in which to introduce evidence if he desires in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; has black curly hair; bluish gray eyes; medium dark complexion; ruddy; does not understand the Choctaw language except a few words; has a smattering of the language which he learned from his father; he has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

The case of Mary A. Sparks et al M.C.P. 5735 is referred to here as being that of a relative of this applicant who claims through Rebecca Box or Bop.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 25th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 7th day of March 1903.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R.6779

Muskogee, Indian Territory, March 17, 1904.

Richard Robert Alexander Jones,

Detroit, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including you and your children, Joseph Monroe, Willis Charles, Isaac Leonard and William Arthur Jones.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

C. R. [Signature]

Commissioner in Charge.

Registered.

COPY.

MOR 6779

Muskogee, Indian Territory, January 23, 1906.

Richard R. A. Jones,
Detroit, Texas.

Dear Sir: -

You are hereby notified that the Secretary of the Interior on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws is a part.

Respectfully,

SIGNED *Tamm Dixby.*
Commissioner.

6779

No.

6779

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 22, 1903

Name Richard R. A. Jones.

Age 31

Blood

1/6

Post Office, Detroit, Texas.

Father: Willis C. Jones. l.

Mother: Mary A. " l.

Claims through

father 1/8
wife 2nd

Lucy J. Jones l. w.

No claim for wife.

Children:

Joseph M. Jones 12

Willis C. " 10

Isaac L. " 8

William A. " 5

Claims for self
and 4 minors1st wife (mother of above
children) is

Mary Ellen Jones (d) w.

Stenographer

Clara Mitchell Wood

HORRIBLE ACTION WAS
A MISSISSIPPI CHOCTAW

R. 6

Richard R. A. Jones et

DECISION RENDERED.

JAN 14 1906

NOTICE OF DEPARTMENTAL ACTION

1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANTS.

~~ACTION~~ APPROVED BY SECRETARY OF INTERIOR.

JAN 10 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT

JAN 22 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JAN 27 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKSAW NATIONS.

JAN 27 1906

REFER TO M. C. R.

Choctaw MCR 6780

Margaret A. Berry

MCR 6780

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 25, 1903.

In the matter of the application of Margaret A. Berry for the identification of herself and her three minor children Richard L., Mary P. and David C. Berry as Missions people Choctaws.

S.B. Dawes)
and) Attorneys for applicant.
M.S. Cobb)

Margaret A. Berry being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Margaret A. Berry:
Q What is your age? A Thirty four.
Q What is your post office address? A Pattonville Texas.
Q How long have you lived there? A Four years.
Q Where did you live before that? A Hot Springs County Arkansas.
Q How long did you live there? A I was born and raised there.

Q And always lived in Arkansas until you went to Pattonville?
A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Willie Cornelius Jones.
Q What is your mother's name? A Mary Adeline Jones
Q Through which parent do you claim Choctaw blood? A Papa's side.
Q How much do you claim? A One sixteenth.
Q Is he one eighth? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q Do you know when and where your father and mother were married? A No sir.
Q Do you know if they were married by a minister under a license or in what manner they were married when? A Yes sir, they were married by a minister.
Q Do you know when this was? A No sir.
Q You haven't the proof of that marriage with you? A No sir.
Q Is your husband living? A Yes sir.
Q What is his race? A White man.
Q What is his name? A David Monroe Berry.
Q Do you make any claim for your husband? A No sir.
Q How many children have you? A Three.
Q What is the name of the oldest? A Richard L. Berry.
Q How old? A Eighteen.
Q Next? A Mary P. Berry.
Q How old is she? A Ten.
Q Next? A David C.
Q How old? A Three.
Q You claim for yourself and these three children do you? A Yes sir.

- Q Is your husband David M. Berry the father of these children?
A Yes sir.
Q You never were married but once? A No sir.
Q Do you and your husband live together and are these children living with you at his home? A Yes sir.
Q Is your name together with the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q And the children have not been admitted have they? A No sir.
Q Do you come before the Commission at this time to identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q Do you claim your right to identification under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A No sir.

The treaty of 1830 sometimes called the treaty of Dancing Rabbit Creek was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830; the object of the government in making this treaty with the Indians was to remove them from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the government might protect the Indians in their tribal relationship with each other undisturbed by the encroachments of the white people surrounding them; but before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation east of the Mississippi river, article fourteen was put into the treaty of 1830; then the treaty was signed and afterwards on the 24th day of February 1831 was ratified; article fourteen of that treaty which article you claim under today is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section for such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article or not? A I don't know.
- Q What is the name of your ancestor that you claim through now?
- A Rebecca Bop or Box, my great grandmother.
- Q What was the name of the son of Rebecca Box or Bop who was an ancestor of yours? A Robert Jones.
- Q She married a man named Jones? A Yes sir.
- Q What was her husband's name? A William Jones.
- Q William Jones was a white man I presume. A Yes, sir.
- Q How much Choctaw blood did her son Robert Jones have?
- A I don't know.
- Q You are sure that he was a Choctaw are you? A Rebecca Box claimed one half.
- Q Robert Jones was how much - one fourth? A Yes.
- Q What ancestor of yours was the least remote ancestor of these two - Robert Jones or his mother who lived in Mississippi in 1830 and who had a family there then; do you know? A No sir.
- Q Did Rebecca Box live in Mississippi in 1830 and have a family?
- A I don't know.
- Q Did Robert Jones? A I don't know.
- Q You understand that under article fourteen of the treaty of 1830 it will be necessary to show that you have an ancestor who had Choctaw blood and that that ancestor lived in Mississippi in 1830 and had a family there then and complied or attempted to comply with article fourteen of the treaty of 1830 or was a member of a family there then whose head of that family complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. Do you know whether Robert Jones is the same ancestor through whom your father makes his application for identification as a Mississippi Choctaw.
- A Yes sir.
- Q It's his father isn't it? A Yes sir.
- Q Willis C. Jones your father has made application to be identified as a Mississippi Choctaw? A Yes sir.
- Q Claiming through Robert Jones his father? A Yes sir.
- Q Do you want to have his case referred to and made a part of yours? A Yes sir.

The application of Willis C. Jones the father of this applicant, M.C.R. 6755 is here referred to for the purpose of consolidation; and also the application of Mary A. Sparks et al M.C.R. 5735 is referred to in this connection as one who claims through Rebecca Jones nee Box or Bop.

- Q It is claimed by your father William C. Jones who made application for identification as a Mississippi Choctaw a few days ago that his father Robert Jones is the least remote ancestor having Choctaw blood who lived in Mississippi in 1830 and had a family and complied with article fourteen of the treaty of 1830.
- Q Do you know whether that is so or not; do you know any of those facts of your own personal knowledge or from hearsay?
- A How was that.
- Q That Robert Jones is the least remote ancestor who lived in Mississippi in 1830 and complied with article fourteen? A I don't know.
- Q You are not able to say? A No sir.
- Q Did Robert Jones or any Choctaw ancestor of yours go to Colonel William Ward the United States Indian agent within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen of the treaty of 1830? A I don't know.

- Q Did any Choctaw ancestor of yours Rebecca Box or Ben or Robert Jones her son or any other live on land in the old Choctaw Nation in Mississippi or Alabama five years and at the end of that time get a patent from the government for that land? A I've heard Grandfather Jones lived in Mississippi in the Choctaw nation about twenty nine or thirty.
- Q You mean Robert Jones? A Yes sir.
- Q After the treaty was ratified did he live there in that old Choctaw nation five years and then get a patent for the land he lived on during that period. A I don't know.
- Q Did he or anybody else of your Choctaw ancestors claim any land in that old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of affecting a permanent residence in the Choctaw Nation Indian territory? A I don't know.
- Q Did any Choctaw ancestor of yours go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the years 1833 and 1838 with the other Indians at the expense of the government? A I don't know.
- Q Did any of them own improvements on land in the old Choctaw Nation in 1830? A No sir.
- Q Did any of your Choctaw ancestors go before a Commission in 1837 or a commission in 1842 which commissions were appointed by various acts of Congress and claim any rights under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed one by act of Congress approved March 3 1837 and the other by act of Congress approved August 23 1842 because of the complaints of Choctaw Indians who tried to register under article fourteen of the treaty of 1830 but whose names Colonel Ward the Indian agent refused to register and because of his refusal those Indians had their land taken from them in the old Choctaw nation by the government of the United States and sold at its public land sales.

- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir.

This scrip or these certificates as they might be called were issued under act of Congress approved August 23 1842 and were given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that the land in the old Choctaw nation had been taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No sir.

Time will be allowed this applicant to and including the 24th day of March 1903 for the purpose of introducing other evidence if she desires.

This applicant has the appearance and physical characteristics of being descended from white parentage; black hair; brown eyes; medium dark complexion; somewhat ruddy; does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the

Margaret A. Berry 5

provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 25th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 9th day of March 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, March 17, 1904.

Margaret A. Berry,

Pattonville, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including you and your children, Richard L., Mary P. and David C. Berry.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. I. C.
Commissioner in Charge.

Registered.

COPY.

MCR 6780

Muskogee, Indian Territory, January 23, 1906.

Margaret A. Berry,
Pattonville, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws is a part.

Respectfully,

SIGNED

James Bixby.

Commissioner.

6780

No.

6780

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 27 1903

Name Margaret A. Berry

Age 34

Blood

1/6

Post Office,

Pattonville, Tex.

Father:

Willis C. Jones, l.

Mother:

Mary A. " l.

Claims through

father, 1/8,
Husband.

David M. Berry, l. w.

No claim for husband

Children:

Richard L. Berry, 18

Mary T. " 10

David C. " 3

Claims for self &
3 minors

Photographer Clara Melcher Wood

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Margaret A. Berry et

DECEASED.

JAN 14 1904

NOTICE OF DECISION MAILED APPLICANT:

JAN 17 1904

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

NOTICE OF DECISION FORWARDED ATTORNEYS
FOR CHIEF OF BUREAU OF INDIAN AFFAIRS

JAN 17 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 10 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JAN 9 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW

JAN 23 1906

REFER TO M. C. R.

Choctaw MCR 6781

Joseph W. Keith

MCR 6781

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 25, 1903.

In the matter of the application of Joseph W. Keith for
identification as a Mississippi Choctaw.

S.B.Dawes)
)
and) Attorneys for applicant.
M.S.Cobb)

Joseph W. Keith being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Joseph W. Keith.
Q What is your age? A Twenty two.
Q What is your post office address? A Pattonville, Texas.
Q How long have you lived there? A About two months.
Q Where did you live before that? A I lived in Red River County.
Q Texas? A Yes sir.
Q How long have you lived in Texas? A About eighteen months.
Q Where did you go from when you went to Texas? A From
Clark County Arkansas.
Q Where you born in Arkansas? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Henry P. Keith.
Q What is your mother's name? A Mary M. Keith.
Q Through which parent do you claim Choctaw blood? A My mother's
side.
Q How much do you claim? A One thirty second.
Q Was your mother one sixteenth Choctaw? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian
by the Choctaw tribal authorities or by the United States
authorities in the Indian Territory? A No sir.
Q Do you claim for yourself alone? A Yes sir.
Q You are not married? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation either to the Choctaw tribal authorities in the Indian
Territory or to the Dawes Commission under act of Congress
of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw
Nation by either the Choctaw tribal authorities in the Indian
Territory the Commission to the Five Civilized Tribes or the
United States Court in the Indian Territory? A No sir.
Q Do you want to be identified now as a Mississippi Choctaw
claiming under article fourteen of the treaty of 1830?
A Yes sir.

That treaty was made between the United States government
and the Choctaw Indians at Dancing Rabbit Creek Mississippi
on the 27th day of September of that year; the object of the
treaty was to remove the Choctaw Indians from the old Choctaw

nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty could be signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of the Choctaw Indians who stayed back in the old Choctaw Nation article fourteen of the treaty of 1830 was drafted and put into the treaty; it was then signed and afterwards ratified; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article or not? A No sir.
- Q Who do you claim your right to be identified through? A Rebecca Box or Bop.
- Q What relation was she to you? A I can't tell you.
- Q Was that her maiden name? A Yes sir.
- Q How much Choctaw blood did she have? A One half.
- Q What was her husband's name; do you know? A William Jones I believe.
- Q Don't know what relation she was to you? A No sir I don't.
- Q Was William her husband a white man? A Yes sir.
- Q Did she have a son named Robert Jones? A Yes sir.
- Q What relation was Robert Jones to you? A He was my great grand father.
- Q Then Rebecca Box would be your great great grandmother wouldn't she? A Yes sir.
- Q You claim through your mother Mary M. Keith? A Yes sir.
- Q What was her maiden name? A Jones.
- Q What was her father's name? A Willis Cornelius Jones.
- Q That was your grandfather? A Yes sir.
- Q And he was the son of Robert Jones? A Yes sir.
- Q Your grandfather has been before this Commission to be identified as a Mississippi Choctaw has he not? A Yes sir.
- Q Do you want to have his case considered with yours? A Yes sir.

The case of Willis C. Jones W.C.R. 6755 grandfather of this applicant is here referred to for the purpose of consolidation.

- Q Did any of your Choctaw ancestors live in Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family there at that time? A I don't know.

- Q Did you ever hear that any of your Choctaw ancestors went to Colonel Ward the United States Indian agent within six months from the ratification of the treaty of 1830 and attempted to register under article fourteen of that treaty? A No sir.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw nation five years after the treaty of 1830 was ratified and then get a patent from the government for that land? A I don't know.

- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Or at any time between 1833 and 1838 with the other Indians at the expense of the government? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors went to a commission appointed by act of Congress approved August 23 1842 and claimed rights under article fourteen of the treaty of 1830? A No sir.

These two commissions were appointed by various acts of Congress because of the complaints made by Choctaw Indians who stated that they had tried to register under article fourteen of the treaty of 1830 and that although they had gone to Ward within six months after the ratification of the treaty of 1830 Ward had refused to allow them to register and because of his refusal to do this the government afterwards took land from those Choctaw Indians and sold it.

- Q You don't know whether any of your Choctaw ancestors went before either of those Commissions. A No sir.
- Q Never heard it in the family from members? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas. A I don't know.

This scrip was issued under act of Congress approved August 23 1842 and was issued to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw nation had been taken from them by the government and sold at its public land sales.

- Q Do you speak or understand the Choctaw language? A No sir.

The case of Mary A. Sparks M.C.R. 5735 is here referred to as one who claims a right to be identified as a descendant of Rebecca Jones nee Box or Bop.

- Q Do you want a little time in this case? A Yes sir.

This applicant will be allowed time to and including the 24th day of March 1903 for the introduction of other proof in this case if he desires to do so.

By Mr Cobb.

- Q In your examination you said you claimed your right through Rebecca Box; did you not mean that you claimed your Choctaw blood through Rebecca Box? A Yes sir.
- Q Now through whom do you claim your right to be enrolled as a Mississippi Choctaw? A From my mother.

Joseph W. Keith 4

Q Do you not claim your right through Robert Jones the son of Rebecca Box? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair; blue eyes; medium light complexion; florid; has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 25th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 8th day of March 1903.

Charles W. Sawyer

Notary Public.

Muskogee, Indian Territory, March 17, 1904.

Joseph W. Keith,
Pattonville, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.

MCR 6781

COPY.

Muskogee, Indian Territory, January 23, 1906.

Joseph W. Keith,
Pattonville, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which the application for your identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED *Tame Bixby.*

Commissioner.

No. 6781

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Feb. 10, 1906

Name Joseph W. Keith

Age 22 - Blood $\frac{1}{32}$ ✓

Post Office. Pattonville, Tex.

Father: Henry P. Keith, l

Mother: Mary M. " l

Claims through mother $\frac{1}{16}$

Children:

Claims for self
alone

Stenographer Clara Mitchell Wood

FOR IDENTIFICATION AS R-8
A MISSISSIPPI CHOCTAW

Joseph M. Keith

DECISION FURNISHED

MAY 14 1904

NOTICE OF DECISION MADE APPLICANT.

MAY 17 1904

NOTICE OF DECISION FURNISHED
APPLICANT

NOTICE OF DECISION FURNISHED
FOR CHOCTAW AND CHICKASAW NATIONS.

1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 10 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

JAN 20 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JAN 23 1906

REFER TO M. C. R.

Choctaw MCR 6782

James Sumler

MCR 6782

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of James Sumler, et al.,
for identification as Mississippi Choctaws, M.C.R. 6782.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

)Page)
Original application of James Sumler, et al., to the Daves Commission for identification as Mississippi Choctaws-----	1
Affidavit of Zona Newman-----	6
Affidavit of Emeline Shields-----	7
Affidavit of William Sellers-----	8
Decision of the Commission refusing the ap- plication of James Sumler, et al., for iden- tification as Mississippi Choctaws-----	9.

-ooOoo-

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 26, 1903.

In the matter of the application of James Sumler for the identification of himself and his minor child Ceburn Sumler as Mississippi Choctaws.

James Sumler being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James Sumler.
Q What is your age? A Thirty two.
Q What is your post office address? A 1012 Sherman Texas;
that's the number of my house.
Q What street? A Throckmorton.
Q What is your father's name? A Charles Sumler.
Q Is he living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Millie Sumler.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much do you claim? A About a quarter.
Q Was your mother one half Choctaw Indian? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw
Indian by the Choctaw tribal authorities or by the United
States authorities in the Indian Territory? A I don't know
sir whether she has or not.
Q Has she ever lived in the Choctaw Nation Indian Territory
A Yes sir.
Q Haven't you ever heard whether she was enrolled or not; you
ought to know whether she is a Choctaw Indian and enrolled
as such or not? A I don't know whether she has ever been
enrolled in this country; I don't know very much about it
this except what she told me; she's tried to get me to
come up here a year or two.
Q I want to know whether your mother is enrolled or not. A I
don't know sir.
Q Are you married? A Yes sir.
Q What is your wife's blood? A She's a Creek.
Q Creek Indian? A Yes sir.
Q Has she any other blood than Creek blood? A Yes sir.
Q What? A Colored.
Q She's negro and Indian mixed? A Yes sir.
Q How much Creek blood has she? A She's not got so very much.
Q What is her name? A Rilla Sumler.
Q Do you make any claim for her? A No sir.
Q What is your father's blood? A He's a mulatto.
Q Is he negro and white? A Yes sir.
Q Has your mother any white blood? A Yes sir.
Q No negro blood? A Yes sir.
Q And Choctaw Indian? A Yes sir.
Q Were either of your parents slaves at any time? A Yes sir
she was.
Q Was your father? A I don't think he was.
Q You say you have one child? A Yes sir.
Q What's the name of that child? A Ceburn.
Q How do you spell that? A C-e-b-u-r-n.
Q Boy? A Yes sir.

- Q How old is he? A Three years old, past.
- Q Is that all your children? A Yes sir; that's all I got living.
- Q You claim for yourself and this child do you? A Yes sir.
- Q Is your wife Milla the mother of this child? A Yes sir.
- Q Are you and she living together as husband and wife and is this child living with you at your home? A Yes sir.
- Q Have you the proof of your marriage with your wife with you now? A Yes sir, these two gentlemen here know I'm married.
- Q Have you got the certificate or the license or the copy of either? A No sir.
- Q When were you married to her? A In ninety two.
- Q What day of the month. A I think it was the 22nd of June.
- Q Where were you married? A Sherman Texas.
- Q By a minister under a license? A Elder Goff was the minister.
- Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian territory? I dont know sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian territory as a Choctaw Indian? A I will have to say no, because I dont know exactly whether it is or not.
- Q Have you ever been admitted to citizenship in the Choctaw Nation or have you ever made application to be admitted as a citizen of the Choctaw nation to any authority whatever up to the present time? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian territory? A No sir.
- Q Do you come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year 1830; the object of the treaty was to remove the Choctaw Indians from the old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian territory; before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of those Indians who wanted to stay back there in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; article fourteen is the article under which you claim today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw nation."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article?
- A No sir.
- Q What is the name of your ancestor through whom you claim now; I mean what is the name of the relative - your grandfather or grandmother or whoever it is you claim through?
- A William Cox.
- Q What relation to you is he? A My grandfather.
- Q How much Choctaw blood did he have? A They say he was a full blood.
- Q Was he your mother's father? A Yes sir.
- Q Can you tell anything about his parents? A No sir.
- Q Did he live in Mississippi in 1830? A Yes sir.
- Q Did he within six months after the ratification of the treaty of 1830 go to Colonel Ward the United States Indian agent in Mississippi and tell him that he wanted to stay in Mississippi take land and become citizen of the states? A Yes sir.
- Q How do you know? A I heard my mother speak about it.
- Q Did you ever hear it from anybody else besides your mother?
- A I heard it from Frazier, Indian Frazier; he's a Choctaw Indian living here.
- Q Where is he? A He died in Sherman Texas.
- Q How old was he when he died? A He was sixty two.
- Q When did he die? A Last year.
- Q He would be sixty three if living now? A Yes sir.
- Q Well he wasn't living when that treaty was made; the treaty was made seventy three years ago; how did he know anything about William Cox going to Colonel William Ward? A I don't know sir.
- Q Did you hear that from anybody else? A I heard his wife speak about it.
- Q How old is his wife? A I guess that old lady must be about seventy five or eighty years old.
- Q Is his wife so much older than he? A Yes; she's a pretty old woman.
- Q What is she; a colored woman? A Yes sir she claims to be a Creek.
- Q Was she a slave? A I think she was.
- Q And her husband also? A I don't know sir.
- Q Wasn't William Cox a slave? A No sir; they said he wasn't.
- Q Was he part colored? A No sir they claimed he was a full blood.
- Q How do you know he lived in Mississippi in 1830 and was the head of a family there then? A That's what my mother said.
- Q You got that information from your mother? A Yes sir.
- Q Do you know whether William Cox or any other ancestor of yours having Choctaw blood lived on land in the old Choctaw Nation either in Mississippi or Alabama five years after the treaty of 1830 was ratified and at the end of that time got a patent from the government for that land? A No sir.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830?
- A None but my grandfather.
- Q Did he? A Yes sir.
- Q Did he get any land when he went to Colonel Ward? A I don't know sir.
- Q Did he live on any land that he got as a Choctaw Indian?
- A They said he had a big farm.
- Q Did he buy it? A I don't know sir whether he bought it or not; I think he got it by his right's country.
- Q But you don't know that? A No sir I don't know it.

Q You see you will have to know about these things because these are matters of importance and you have to know positively about them.

Q Did any of your Choctaw ancestors go from that old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian Territory between 1833 and 1838? A I don't know sir.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today. A I don't know sir.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830 or 1831? A They claim my grandfather did.

Q You don't know about that except through hearsay? A No sir.

Q In 1838 and also in 1842 commissions were appointed by different acts of Congress which went to Mississippi and heard Indians who claimed their rights under article fourteen of the treaty of 1830; these commissions were appointed because those Indians claimed that they had attempted to register under article fourteen of the treaty of 1830 but Colonel Ward had refused to allow them to register and as a result their land had been taken from them by the government and sold at its public land sales.

Q Do you know if any of your Choctaw ancestors went before either of those two commissions and claimed any rights under article fourteen of that treaty? A No sir I don't.

Q Did any of your Choctaw ancestors receive any scrip from the government which scrip was issued under act of Congress approved August 23 1842? A I don't know sir.

These certificates of scrip was they were called were issued by the government to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw nation and sold by the government.

Q Do you speak or understand the Choctaw language? A No sir.

Q Do you claim white Indian and negro blood? A Yes sir.

Q And you claim one fourth Indian and how much white blood? A I guess it would be about one fourth.

Q And one half negro? A Yes sir.

Q Have you any other evidence you want to present to the Commission at this time? A I don't know about my wife; she can do that herself I guess.

This applicant is allowed to and including the 24th day of March 1903 for the purpose of introducing other proof in this case if he desires to do so.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry of negro, white and as he claims, Indian blood; the Commission is unable to determine with reference to whether he has Indian and white blood or not; there is some mixture of blood with the negro; his hair is black and wavy but not curly like the hair of a negro; his complexion is medium dark and eyes are,

James Sumler 5

brown but not black like the eyes of a negro; he has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830 except what is told him by his mother and one or two other persons outside of the family.

Clara Mitchell Wood, being first duly sworn upon her oath states that she repeted the above case on the 26th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 10th day of March 1903.

Charles H. Sawyer

Notary Public.

819
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of James Sumler, et al.,
for identification as Mississippi Choctaws, N.C.R. 6782.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by James Sumler for himself and his minor child, Ceburn Sumler,
under the following provision of the act of Congress approved June
28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that both of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants
of William (or Will) Cox, who is alleged to have been a full-blood

Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said William (or Will) Cox, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 130) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Sumler and Ceburn Sumler, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that

the application for their identification as such should be refused,
and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Chairman.

(SIGNED)

T. B. Neases.

Commissioner.

(SIGNED)

O. H. Broomnaga.

Commissioner.

(SIGNED)

D. L. Stanley.

Commissioner.

Muskogee, Indian Territory,

APR 1 1894

Muskogee, Indian Territory, March 9, 1903.

James Sumler,
#1012 North Throckmorton St.,
Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, enclosing the affidavits of William Sellers, Emeline Shields and Zona Newman, offered for filing in support of the application made by you for the identification of yourself and minor child as Mississippi Choctaws. The same have been filed with the record in this case.

Respectfully,

Chairman.

M.C.R. 6782.

COPY

Muskogee, Indian Territory, April 6, 1904.

James Sumler,

#1012 Throckmorton St.

Sherman, Texas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of you and your child, Ceburn Sumler.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of that time the papers in the case together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. F. Needles.

Commissioner in Charge.

Registered.

M.C.R. 6782.

Copy:

Muskogee, Indian Territory, April 6, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application of James Sumler and child Ceburn Sumler, for identification as Mississippi Choctaws.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Neekles.

Ino. M.C.R. 6782.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, April 22, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of James Sumler et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James Dinkley

Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. MCR 6782.

Land.
28277-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 21, 1904. (COPY).

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit for your consideration the record of the Commission to the Five Civilized Tribes, in the matter of the application of James Sumler for the identification of himself and his minor child, Ceburn Sumler, as Mississippi Choctaws, wherein a decision adverse to them was rendered by the Commission on March 15, 1904.

The record in this case shows that the applicant in chief, James Sumler claims to be of one-quarter Choctaw blood. His wife is of Creek and negro blood. He claims his right and the right of his son to be based on their descent from one William or Will Cox, who was his grandfather, and who he claims was a full blood. He has no knowledge as to William Cox having received land in Mississippi or Alabama under the provisions of the Choctaw treaty of 1830, and has no knowledge as to his having complied with the 14th article thereof. His application is predicated entirely on his Choctaw blood derived from his grandfather William Cox.

The Commission rejected the applicants for the reason that its records fail to show that any person of the name of William or Will Cox complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty or subsequent legislation relative thereto.

An examination of the records of this office has been made with reference to the names of William Cox and his daughter, Millie Cox.

through whom the applicants claim their right to identification, and it is ascertained that their names do not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, neither do their names appear among the applicants for benefits under any of the other provisions of the Choctaw treaty. I therefore recommend that the decision of the Commission be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

EBH/LM

DC-21386-1904.

DEPARTMENT OF THE INTERIOR, (COPY) J.W.H. PHE
WASHINGTON,

ITD.4190-1904.

June 18, 1904.

L.R.S.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

April 22, 1904, you transmitted the record in the matter of the application of James Sumler et al (M.C.R. 5782), for identification as Mississippi Choctaws, including your decision of March 15, 1904, refusing to identify them as such.

Reporting in the matter May 21, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

COPY:

M.C.R. 6782

Waskogee, Indian Territory, June 30, 1904.

James Sumler,
#1012 Throckmorton Street,
Sherman, Texas.

Dear Sir:

You are hereby notified that on the 18th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Sumler et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

(SIGNED)

T.B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, June 30, 1904.

Manefield, McMurray & Cornish,
Attorneys for Cheetaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of James Sumler et al., of which decision you were advised by mail on the 6th day of April, 1904.

Respectfully,
SIGNED

T. B. Needles

Commissioner in Charge.

6782

No.

6782

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 26 1903

Date

Name

James Sumler

Age

32

Blood

1/4

Post Office,

Sherman Tex

1012 No Throckmorton

Father:

Charles Sumler, l — st.

Mother:

Millie " l —

Claims through

mother, 1/2 —

wife,

Rella Sumler, nee, 1/4 creek

No claim for wife

Children:

Ceburn Sumler, M 3

Claim for self &
child

Scribbler Lora Mather Wood



Choctaw MCR 6783

Thomas Hayes

MCR 6783

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Thomas Hayes, et al.,
for identification as Mississippi Choctaws, M.C.R. 6783.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Thomas Hayes, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Affidavit of Amanda Sellers-----	6
Affidavit of William Sellers-----	7
Decision of the Commission refusing the applica- tion of Thomas Hayes, et al., for identification as Mississippi Choctaws-----	8

--0--

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 26, 1903.

In the matter of the application of Thomas Hayes for the identification of himself and his minor children Lorena, George, Leslie and Ethel Hayes as Mississippi Choctaws.

Thomas Hayes being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas Hayes.
Q What is your age? A Twenty eight.
Q What is your post office address? A Sherman, Texas, 648 North Broad.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A George Hayes.
Q What is your mother's name? A Her name's Amanda Sellers.
Q That was her maiden name; her name is Amanda Hayes?
A No sir her name's Amanda Sellers now.
Q Her husband's name is Sellers now is it? A Yes sir.
Q Is he a colored man? A Yes sir.
Q What's his first name? A William.
Q Do you claim your Choctaw blood through your father or mother?
A Mother.
Q How much do you claim? A About one eighth I guess.
Q Was your mother one fourth Choctaw blood? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A No sir.
Q Is your wife living? A Yes sir.
Q Is she a colored woman? A Yes sir.
Q What's her name? A Lucy Hayes.
Q Do you make any claim for your wife? A I'm going to, yes sir.
Q As a colored woman? A I think she's a Choctaw.
Q You have testified that she was colored? A Yes sir she's colored.
Q Now you say you think she's Choctaw; now I want to know what you mean; you can't testify a half dozen different ways.
A No sir, that's right.
Q You ought to know that yourself. A No sir I won't testify for her.
Q Well do you make any claim for your wife now? A No sir.
Q Give me the name of your oldest child? A Lorena Hayes.
Q How old is Lorena? A Eight years old.
Q What is the name of the next? A George Hayes.
Q How old is George? A Six.
Q Give me the name of the next? A Leslie.
Q Boy? A Yes sir.
Q How old? A Four.
Q The name of the next? A Ethel Hayes.
Q Girl? A Yes sir.
Q How old? A Two.

- Q Is that all? Yes sir
- Q You claim for yourself and these four children do you?
- A Yes sir.
- Q Is your wife Lucy Hayes the mother of these four children?
- A Yes sir.
- Q Are you and she living together as husband and wife and are these children living with you at your home? Yes sir.
- Q When were you married to your wife and where? A I married in the nation; I married in Ardmore, the Chickasaw Nation.
- Q What year and day of the month. A In seventy four I believe
- Q What month did you marry? A December.
- Q What day in December? A Sunday, about the 24th.
- Q Were you married by a minister under a license? A Yes sir.
- Q Is your name with your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made any such application for yourself and children to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
- Q Have you and your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission now to identify yourself and children as Mississippi Choctaws? A Yes.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir

Article fourteen was put into the treaty of 1830 for the special benefit of Choctaw Indians who remained in Mississippi

after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory under that treaty with the other Indians; this treaty of 1830 was made between the United States government and the Choctaw Indians at Dancing Rabbit Creek in Mississippi on September 27, 1830 for the purpose of removing the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before it was signed it became known that those Indians - a good many of them - those who afterwards remained - and were called Mississippi Choctaw Indians, and as this article was put into the treaty for their benefit. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen or not? A No sir.
- Q What is the name of your ancestor that you are claiming through now, going back to your grandfather or grandmother or great grandfather or whoever it is? A My grandmother.
- Q What was her name? A Meline Shields.
- Q How much Choctaw blood did she have, do you know? A No sir.
- Q Did she have any? A Yessir she had some but I don't know how much.
- Q What was her husband's name? A I don't know sir.
- Q Is Meline Shields her maiden name or her married name? A That was her maiden name.
- Q And her husband was a Shields? A Yes sir.
- Q You don't know his Christian name? A No sir.
- Q Was he a slave? A Yessir.
- Q Was she? A Yes sir.
- Q Did they live in Mississippi in 1830 and have a family there at that time? A No sir.
- Q Is she dead? A No sir.
- Q She's living now? A Yes sir.
- Q How old is she? A I don't know how old she is.
- Q Is she over seventy? A She's about eighty somewhere along there.
- Q Where was she born? A In Mississippi.
- Q How long did she live in Mississippi after she was born? A I don't know sir.
- Q Did she live there ten years, fifteen, twenty, twenty five or thirty? A I don't know sir.
- Q Well, she was born there about eighty years ago, wasn't she? A Yes sir.
- Q That would be in 1823; now do you think she was living in Mississippi for ten years thereafter? A Yes, sir.
- Q Well she was living in Mississippi in 1830 wasn't she, seven years after that time? A No sir.
- Q If she lived in Mississippi for ten years after her birth she must have been there seven years after that? A I don't know sir.
- Q Can't you get that through your head? A No sir I can't.
- Q When did she live in Mississippi? A I don't know when she lived there.
- Q Now she was born in Mississippi and I want you to give me some idea whether she lived in Mississippi for one year after her birth or how many years or about how many; if you don't know guess at it; I've got to have from you some expression of your understanding about how long she lived in that state.
- A About six years I will say.
- Q Then where did she go? A She went from Mississippi out to Texas, when she was about six years old.
- Q When she was a little girl? A Nheesir not as I know of.
- Q She would have been a little girl if she was six years old; don't you comprehend anything? A No sir, I don't know.
- Q She was a slave was she? A Yes sir.
- Q And always was a slave? A Yes sir.
- Q Therefore if she was a slave she couldn't have held any property in her name could she, being property herself? A No sir.
- Q Therefore she could not have lived on land in Mississippi and got a patent to that land from the government under article fourteen could she? A No sir.
- Q Did any Choctaw ancestor of yours live on land in the old Choctaw nation five years and then get a patent from the government for that land? A No sir.
- Q Did any Choctaw ancestor of yours go to Colonel Ward the Indian

- agent within six months after the treaty of 1830 was ratified and attempt to register under article fourteen of the treaty of 1830? A No sir.
- Q Did any ancestor of yours having Choctaw blood go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir.
- Q Did Emeline Shields ever live in the Choctaw Nation? A Yes sir.
- Q When? A About ten years ago I guess.
- Q Did your mother ever live in the Choctaw Nation? A Yes sir.
- Q Is she living there now? A No sir.
- Q When did she live in the Choctaw Nation? A About nine years ago.
- Q And then your grandmother and mother mother afterwards both went to Texas? A No sir my mother was one place in the Choctaw Nation and my grandmother was another.
- Q Did they both afterwards go to Texas? A Yes sir;
- Q Giving up their residence in the Choctaw Nation Indian Territory? A Yes sir.
- Q Did they go to the Choctaw Nation Indian Territory from Texas first and then go back there? A They went to Texas and then came out to the Choctaw Nation and then went back to Texas..
- Q Did you say your mother was a slave? A Yes sir.
- Q Did any of your Choctaw ancestors go before a Commission in 1857 or a commission in 1842 and claim any rights as Choctaw Indians under article fourteen of the treaty of 1830? A No sir.

These two commissions were appointed because of the complaints of Choctaw Indians who stated that they had tried to register under article fourteen of the treaty of 1830 but were prevented from doing so by Colonel Ward the agent and on account of his preventing them they had their land taken from them by the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A No sir.

This scrip was issued under act of congress approved August 23 1842.

- Q Do you speak Choctaw? A No sir.
- Q You claim white blood as well as negro and Indian? A Yes sir.
- Q How much white blood? A About half I guess.

This applicant is allowed to and including the 24th day of March in which time he will be permitted to submit other evidence or proof in this case if he desires to do so.

- Q Have you any other evidence you want to present now? A No sir.
- Q Any witnesses you want to call? A No sir.

This applicant appears to be descended from mixed ancestry of negro, white and possibly Indian blood although the Commission is unable to determine whether or not he has any Indian blood; he has a mixture of either white or Indian or both with his African blood; his hair is black - curly; his skin is dark and eyes are black; he claims his Choctaw rights through his grandmother who was a slave and her daughter, his mother who was also a slave; he has no knowledge of the Choctaw language.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 26th day of February 1903 and that the foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 10th day of March 1903.

Charles H. Sawyer

Notary Public.

copy.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas Hayes, et al.,
for identification as Mississippi Choctaws, M.C.R. 6783.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Thomas Hayes for himself and his four minor children, Lorena, George, Leslie and Ethel Hayes, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Emeline Shields, who is alleged to have been a Choctaw Indian, degree of blood not known.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said Emeline Shields signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513.)

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Hayes, Lerana Hayes, George Hayes, Leslie Hayes and Ethel Hayes, as Choctaw Indians entitled to rights in the Choctaw lands under the

provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.
Chairman.

(SIGNED)

T. B. Needles.

(SIGNED)

C. B. Breckinridge.

Muskogee, Indian Territory,

(SIGNED)

W. E. Stanley.

AUG 4 1903

M C R 6783

Muskogee, Indian Territory, March 10, 1903.

Thomas Hays,
#648 North Broad Street,
Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, enclosing the affidavits of Amanda Sellers and William Sellers, offered for filing in support of the application made by you for the identification of yourself and four minor children as Mississippi Choctaws. The same have been filed with the record in this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, August 4, 1903.

Thomas Hayes,

#648 North Broad Street,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 4th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas Hayes, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Hayes, Lerena Hayes, George Hayes, Lealie Hayes and Ethel Hayes, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

-2-

office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully

(SIGNED)

I. B. Needles.

Commissioner in Charge.

Register.

COPY

Muskogee, Indian Territory, August 4, 1903.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of August, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas Hayes, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495)

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Hayes, Lorena Hayes, George Hayes, Leslie Hayes and Ethel Hayes, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, August 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Thomas Hayes, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 4, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner of Indian Affairs.
2 Enc. M.C.R. 6783.

T. D. Woodlee
Commissioner in Charge.

(copy).

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Oct. 30, 1903.

Land.
54,350-1903.

The Honorable,

The Secretary of the Interior:-

Sir:-

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes in the matter of the application of Thomas Hayes for the identification of himself and his four minor children, Lorenz, George, Leslie, and Ethel Hayes, wherein a decision of rejection was entered by the commission on August 4, 1903.

The record in this case shows that the applicants found their claims to a right to identification on their descent from Emeline Shields who is alleged to have been a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, in 1830. The witnesses have no knowledge as to her compliance with the provisions of the 14th article of the Choctaw treaty of 1830.

The applicants were rejected by the commission for the reason that its records failed to show that Emeline Shields either complied or attempted to comply with the provisions of the 14th article of

the Thoctay treaty of 1830.

An examination of the records of this office has been made with reference to the claims of these applicants and it is discovered that the name of Melina Shields does not appear among the names of those persons who were applicants for land under the 14th article or who were recognized as being entitled to either land or scrip in pursuance of that article, and I therefore recommend that the decision of the commission rejecting the applicants be approved.

Very respectfully,

W.A.J. New,
Commissioner.

(E.B.W.)P.

(COPY).

W.C.F.
P.H.E

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

November 24, 1903.

D.C. 33020.
I.I.O. 1808-1903.
L.I.S.

Commission to the Five Civilized Tribes,
Tuskogee, Indian Territory.

Gentlemen:-

August 20, 1903, you transmitted the record in the case involving the application of Thomas Hayes (D.C. 33020), for the identification of himself and his four minor children, Lorena, George, Leslie and Edna Hayes, as Mississippi Choctaws, including your decision of August 4, 1903, refusing to identify them as such.

The applicants base their claim to a right to identification as Mississippi Choctaws on their descent from Emeline Wheeler, mother of the principal applicant Thomas Hayes, it being alleged that said ancestor was of Choctaw Indian blood and a resident of Mississippi in 1830.

The evidence furnished by the record, as well as the records of the Indian Office, fails to show that said ancestor ever complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter October 30, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the

---2---

applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

H.C.R. 6723.

Muskogee, Indian Territory, December 5, 1903.

Thomas Hayes,

4648 Broad St.

Sherman, Texas.

Dear Sir:

You are hereby notified that on the 24th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Thomas Hayes et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

Tams Bixby.
Chairman.

H.C.R. 6783.

Muskogee, Indian Territory, December 5, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaws and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Thomas Hayes et al., of which decision you were advised by mail on the 4th day of August, 1903.

Respectfully,

Sam Bixby.
Chairman.

M C R 6783

Muskogee, Indian Territory, January 16, 1904.

Thomas Hayes,
#648 Broad Street,
Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you state that you received a notice from Muskogee on December eighth to go to Atoka on the 4th day of January, and as you were not able to go and file your application for allotment you ask if it is now too late to do so.

In reply you are informed that on November 24, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The Commission now considers your case closed and it is not believed that you and your children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

It is presumed that the letter you claim to have received on December eighth was our letter to you, dated December 5, 1903, notifying you that the Secretary had approved the decision of the Commission refusing your application.

Respectfully,

Chairman.

6783.

No.

6783

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 27 1903

Name Thomas Hayes

Age 28

Blood

1/8

Post Office, Sherman, Texas

648 No Broad St.

Father: George Hayes.

d

Mother: Amanda Sellers, l.

Claims through mother 1/4

wife

Lucy Hayes

l. col.

No claim for Lucy.

Children.

* Lorena Hayes. 8

George " 6

Leslie " M. 4

Ethel " F. 2

Claims for self & 4 minors.

Micrographed by Clara Mitchell Hardy



Choctaw MCR 6784

Annie C. Jones

MCR 6784

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Annie C. Jones, et
al., for identification as Mississippi Choctaws, M.C.R. 6784.

--: I N D E X :--

	(Page)
Joint affidavit of Annie C. Jones and J.M.Campbell-----	1
Affidavit of Annie C. Jones-----	2
Affidavit of James M. Campbell-----	4
Birth affidavit of Leonard H. Jones-----	6
Letter of the Commission addressed to Annie C.Jones----	7
Proceedings in the matter of the application of Annie C. Jones, et al., for enrollment as citizens by blood of the Choctaw Nation-----	7 A
Testimony of James M. Campbell-----	8
Original application of Annie C. Jones, et al., before the Dawes Commission for identification as Mississippi Choctaws-----	12
Testimony of James M. Campbell-----	20
Certified copy of an Act of the Choctaw Council approved November 8, 1888, admitting W. F. Foster and others-----	30
Certified copy of decree and opinion of the Choctaw- Chickasaw Citizenship Court in the case of James A. McClellan, et al., vs. the Choctaw and Chickasaw Nations-	32

-2-

Decision of the Commission denying Annie C.
Jones, et al., enrollment as citizens by
blood and identifying Annie C. Jones, et al/
as Mississippi Choctaws-----

55

-oOo-

(Copy)

-7-D-703-

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, February 21, 1902.

In the matter of the application of Annie
C. Jones, for the enrollment of herself and her three minor
children, Maud, May and Leonard H. Jones, as citi-
zens of the Choctaw Nation.

=====

Annie C. Jones, thirty-four years of age, and her children, Maud Jones, eighteen years of age, May Jones, fifteen years of age, and Leonard H. Jones, nineteen months old, are the applicants herein. The name of Annie C. Jones is found upon the 1896 Census-roll of the citizens of the Choctaw Nation, page 182, Number 7402. The name of Maud Jones, ten years of age, is found upon the 1896 census-roll of the citizens of the Choctaw Nation, page 182, Number 7403. The name of May Jones, seven years of age, is found upon the 1896 census-roll of the citizens of the Choctaw Nation, page 182, Number 7404. Leonard H. Jones, the youngest child, was born July 23, 1900, subsequent to the preparation of the last tribal roll of citizens of the Choctaw Nation, and as evidence of his birth there is submitted the affidavit of Annie C. Jones, the mother, and Barbara Jones, the nurse in attendance at the birth of the child. The names of Annie C. Jones and her two children, Maud and May Jones are not found upon the 1893 Leased District Payment Roll of the citizens of the Choctaw Nation. No personal application has ever been made by or on behalf of Annie C. Jones for the enrollment of herself and her three children as citizens of the Choctaw Nation, and they, at the present time, reside in Carlsbad, New Mexico. Annie C. Jones, on account of her health, has been a resident of New Mexico for the past twenty years and the three children were all born in New Mexico.

(COPY)

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

James A. McLellan, et al.,

vs.

No. 10.

Choctaw and Chickasaw Nations.

UNITED STATES OF AMERICA.
CENTRAL DISTRICT OF THE INDIAN TERRITORY.
Sp. McALESTER? INDIAN TERRITORY.

I, James B. Cassada, Clerk of the Choctaw and Chickasaw
Citizenship Court do hereby certify that the following, consisting
of about 2 typewritten pages, is a full true and correct copy of the
Decree of Court made and rendered by said Choctaw and Chickasaw
Citizenship Court, on the 21 day of March, 1904, in the above
entitled cause, and now on file of record in my office.

Witness my hand and seal of said Court, this 17 day of
May, 1904.

(Signed) JAMES B. CASSADA,
Clerk Choctaw and Chickasaw
Citizenship Court.
By- E. D. Revitt, Deputy.

(L/S)

(COPY)

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP COURT.

James A. McLellan, et al.,

vs.

No. 10.

Choctaw and Chickasaw Nations.

UNITED STATES OF AMERICA.
Central District of the Indian Territory,
So. McAlester, Indian Territory.

I, James B. Cassada, Clerk of the Choctaw and Chickasaw
Citizenship Court, do hereby certify that the following, consisting
of about 19 typewritten pages, is a full, true and correct copy of
the Opinion of said Court, rendered on the 21 day of March, 1904, in
the above entitled cause and now on file in my office.

Witness my hand and seal of said Court this 19 day of

May, 1904.

(L/S)

(Signed) JAMES B. CASSADA,
Clerk Choctaw and Chickasaw
Citizenship Court.

By- E. D. Bevill, Deputy.

(COPY)

In the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester, in the Central District of the Indian Territory.

March Term, 1904.

James A. McLellan, et al.,

vs.

No. 10.

Choctaw and Chickasaw Nations.

DECREE OF COURT.

On this 21st day of March, 1904, this cause coming on for final decision, the same having heretofore been submitted upon the law and the evidence, and the Court being well and sufficiently advised in the premises, doth find that the plaintiffs, James A. McLellan, John F. McLellan, James C. McLellan, Robert D. McLellan, Wade H. McLellan, Joseph M. McLellan, John F. McLellan, Hattie McLellan, Abner D. McLellan, Adeline McLellan, Dollie McLellan, Wade McLellan, Samuel J. McLellan, Oma McLellan, Edmund McLellan, Mary McLellan, Samuel McLellan, Ollie McLellan, George McLellan, Susan McLellan, Franklin McLellan, and Abner D. McLellan, are entitled to be declared citizens of the Choctaw Nation by blood, and to enrollment as such, and to all the rights, privileges and immunities flowing therefrom; and that the plaintiffs Mary E. A. McLellan, Kittie McLellan, Sarah McLellan and Susie McLellan, are entitled to be deemed citizens by intermarriage of the Choctaw Nation, and to admission to enrollment as such, and to all the rights, privileges and immunities, personal to themselves, of other members of said tribe and citizens of said Nation by intermarriage.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiffs James A. McLellan, John F. McLellan, James C. McLellan, Robert D. McLellan, Wade H. McLellan, Joseph M. McLellan, John F. McLellan, Hattie McLellan, Abner D. McLellan, Adeline McLellan, Dollie McLellan, Wade McLellan, Oma McLellan, Samuel J. McLellan, Edmund McLellan, Mary McLellan, Samuel McLellan, Ollie McLellan, George McLellan, Susan McLellan, Franklin McLellan, and Abner D. McLellan, be declared citizens of the Choctaw Nation by blood, and entitled to enrollment as such, and entitled to all the rights, privileges and immunities flowing therefrom; and that the plaintiffs Mary E. A. McLellan, Kittie McLellan, Sarah McLellan and Susie McLellan, are entitled to be deemed citizens by intermarriage of the Choctaw Nation, and to admission to enrollment as such, and to all the rights, privileges and immunities, personal to themselves, flowing therefrom.

Spencer B. Adams,
Chief Judge.

.....
Associate Judge.

H. S. Foote,
Associate Judge.

(Endorsed, Filed Mar. 21, 1904, Jas. B. Cassada, Clerk.)

In the matter of the application of Annie C. Jones for the enrollment of herself and her three minor children, Maud, May and Leonard H. Jones as citizens of the Choctaw Nation.

Interrogatories to be propounded to Annie C. Jones.

What is your name? Annie C. Jones
What is your age? 34 years Aug 8th 1902
What is your post-office address? Heartshead
How long have you been living in New Mexico? 77 and on for the past 20 years
Where did you live prior to your residence in New Mexico? Texas and Indian Territory
How much Choctaw blood do you claim? 1/16 one sixteenth
Where were you born? Basque County Texas
Have you been a bona fide resident of the Choctaw and Chickasaw Nations and if so, for how long? Yes in 1896 and 1897 about 20 months
Do you now own any property in the Choctaw or Chickasaw Nations, Indian Territory? Yes I have a farm and mining Father's place
What is your father's name? James W. Humphreys
Is he living? Yes
Is he a citizen by blood of the Choctaw Nation? Yes
What is your mother's name? Louise F. Humphreys
Is she living? Yes
Is she a citizen by blood of the Choctaw Nation? By marriage
Are you married? Yes
What is your husband's name? William M. Jones
Where did you marry him? in New Mexico
Is he a white man or Choctaw Indian? White man
Have you any children? Yes

What are their names and ages? Maud Jones aged 18 Feb 24/1902
May Jones aged 15 Nov 5, 1901 and Leonard H. Jones aged
19 August 23, 1902

Do these children all live with you? Yes

Are they all at this time residents of New Mexico? Yes

Did these children remove to New Mexico with you? The children
were all born in New Mexico

Annie Jones

Subscribed and sworn to before me this 7 day of Feb, 1902.

H. R. Brown
Notary Public.

Probate Clerk
Eddy C. Wm

In the matter of the application of Annie C. Jones for the enrollment of herself and her three minor children, Maud, May and Leonard H. Jones as citizens of the Choctaw Nation.

Interrogatories to be propounded to J. M. Campbell.

What is your name? James M. Campbell
What is your age? 54 years
What is your post-office address? Winona Indian Territory
Are you a citizen of the Choctaw Nation? Yes
How did you become such citizen? By Birth
Have you always been recognized as a citizen of the Choctaw Nation by the tribal authorities? Yes
Do you know Annie C. Jones? Yes
What relation is Annie C. Jones to you? Daughter
What is her mother's name? Susan F. Campbell
Has Annie C. Jones been recognized and enrolled by the tribal authorities of the Choctaw Nation as a citizen of that Nation? Yes
Has she drawn the payments of money made to the citizens of the Choctaw Nation? No
Does Annie C. Jones own any property in either the Choctaw or Chickasaw Nations, Indian Territory? Yes in Chickasaw Nation
Is she married? Yes
What is her husband's name? William M. Jones
Is he a white man? Yes
Has Annie C. Jones any children? Yes three
What are their names and ages? Maud Jones 12 Feb 21/1915. May Jones 15 Nov 5/1901. Leonard H. Jones 19 months Feb 23/1902
Do these children live with her? Yes

If Annie C. Jones and these children are now residents of New Mexico, state what their residence there consists of and their reasons, if any, for not now maintaining a bona fide residence in the Choctaw-Chickasaw country, Indian Territory?

Ranch House and Ranch property. Seattle and Horses are the owner range in Eddy County New Mexico. and their reason for not maintaining a residence in the Indian Territory is on account of her health and her husband being engaged in the stock business in New Mexico.

James McCampbell

Subscribed and sworn to before me this 17 day of July, 1902.

H. H. Brown

*Notary Public.
Probate Clerk Eddy Co.
New Mexico*

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 3, 1902.

:::::::::::::::::::::
:: Annie C. Jones, et al., ::
:::: :: ::
:: vs. ::
:: The Choctaw Nation. ::
:::::::::::::::::::::

D-703.

In the matter of the application of Annie C. Jones for the enrollment of herself and her three minor children, Maud Jones, May Jones and Leonard H. Jones, as citizens by blood of the Choctaw Nation.

James M. Campbell, being first duly sworn, upon his oath testifies as follows.

Examination by the Commission.

- Q What is your name? A James M. Campbell.
Q What is your age, Mr. Campbell? A Fifty-four years old.
Q Where is your present post office address? A Minco.
Q Are you acquainted with Annie C. Jones? A Yes sir.
Q What is her age now, Mr. Campbell? A She was born in '68.
Q What relation if any is she to you? A My daughter.

Examination by A. Telle, Attorney.

- Q Where is Annie Jones at this time? A At this time she's in New Mexico.
Q She's in New Mexico? A Yes sir.
Q Why is she in New Mexico? A She has to stay there the most of her time on account of her health.
Q She has lung trouble, I believe? A Yes sir.
Q And it is for the purpose of keeping up her health or bettering her condition physically she is in New Mexico? A Yes sir.
Q I will ask you Mr. Campbell, where her regular home is? Her permanent home? A Up on my place there, joining my place.

Examination by Mr. Telle:

- Q How did you become a citizen of the Choctaw Nation?
A By being admitted in 1888; I made application in eighty six.
Q You made application in eighty six and were admitted in eighty eight? Yes sir.
Q What other people were admitted at the same time with you?
A My uncle's family - Posters; E. Foster and his family.
Q Did you have any brothers or sisters admitted at the same time? A Yes.
Q Who were they? A Eph Campbell, Eliza Paddock, and their children; two of my sisters were left out; I wasn't there when the roll was made and two of my sisters were left out.
Q I believe you have stated that you are the father of Annie C. Jones? A Yes sir.
Q She is a child of yourself and your wife Susan Frances Campbell yes sir.
Q Was Annie C. Jones admitted by the act of the Choctaw Council that admitted you and the rest of the family? yes sir.
Q Did she draw any of the leased district payment in ninety three? A No.
Q Is she on the tribal roll prepared by the Choctaw nation in 1896? A Yes.
Q Do you know whether or not she applied to the Dawes Commission in 1898? A No not that time; it was since then.
Q Just state when it was? A About a year ago I guess.
Q I understand you to say she applied in 1902? A Yes.
Q Has Annie C. Jones ever resided in the Choctaw or Chickasaw Nation. A Chickasaw.
Q In the Chickasaw Nation? A Yes sir.
Q Has she any property in the Choctaw nation? A yes sir.
Q At what place? A Near Minco.
Q Do you know why Annie C. Jones has not taken up permanent residence in the Chickasaw Nation? A She is weakly; always was and whenever she comes over there to stay -- she has never stayed there very long until she begins to get to coughing; it's her lungs.
Q Then lung trouble is the cause of her residence at this time in New Mexico. A Yes sir.
Q Has she abandoned her rights there? A No sir.
Q Do you know whether she intends if possible to take up permanent residence in the Chickasaw nation? A Yes sir.
Q She was rejected by the Commission to the Five civilized Tribes on the ground of non residence I believe?
A Yes sir.
Q At the date of the passage of the Curtis Bill June 28 1898?
A Yes sir.
Q You are the father of Annie C. Jones? A yes sir.
Q State how she comes by her Choctaw blood? A Through me.
Q And how do you get your blood? A Through my mother.
Q What was her name? A Ellen Foster.
Q And she married your father Campbell? A Yes sir.
Q Who was her father? A James Foster.
Q Now this James Foster through whom you claim your Choctaw blood; where did he live originally? A In Mississippi; on Little Black Creek.
Q Where did he go to from Mississippi? A He died there.
Q Did you ever reside in Mississippi? A No sir.
Q Where were you born? A Jackson parish Louisiana.
Q Did James Foster the man who was living at the date of the treaty of 1830 have any children? A Yes sir.
Q What were their names? A Dorothy, James Madison, Ellen and Ephraim. Ephraim is living now in the Chickasaw Nation.

- Q Ephriam Foster is the son of James Foster and is now living in the Chickasaw Nation? A Yes sir.
- Q What brothers did James Foster have if any? A The ones I've been told was William; there's one they call his name Hugh Allen -- he was killed down here at Skullyville; I don't know what become of William; I think he had one brother named Mose - young Mose - their father was named Mose; he had one sister -- one married a man named Jacobs.
- Q Is that the party known in the American State Papers as the widow Jacobs? A Then she moved to the Indian Territory too; Hugh Foster lived down here at Skullyville and he was killed.
- Q Give these brothers of your grandfather, James Foster.
- A There is William Foster; John Foster, Hugh Foster and William Foster all came to the Choctaw Nation with the exception of William Foster; I don't know that they all came to the Choctaw Nation; part of them I don't know anything about.
- Q Which ones came to the Choctaw Nation? A William and Hugh and Mrs. Jacobs and I don't know whether any of the other girls came or not; one was named Simmons.
- Q As far as you know you have been taught that these parties were all living at the date of the treaty of 1830 and applied for what was known as the five years stay. A I don't know for certain about that; I think, though, they did.
- Q That has been your information? A Yes.
- Q That is they were claimants under the fourteenth article of the treaty of 1830? A Yes.
- Q What is your understanding as to the amount of Choctaw blood your grandfather James Foster had? A Half.
- Q He was a half breed Choctaw? A Yes his mother was a full blood; my mother said she was.
- Q And James Foster your grandfather lived and died in Mississippi A Yes sir.
- Q Did you ever see him? A No sir.
- Q Died before your birth? A Yes sir.
- Q Annie C. Jones has three children? A Yes sir.
- Q What are their names? A Maud, May and Leonard.
- Q And they are living with her? A Yes sir.

By the Commission:

- Q Mr Campbell I am going to ask you first with reference to the question of your daughter Annie C. Jones' residence in the Choctaw Nation and then I want to ask you particularly with reference to your Choctaw ancestry and whether or not your grandfather James Foster was a beneficiary under article fourteen of the treaty of 1830.
- Q Where was your daughter Annie C. Jones born? A In Bosque County Texas.
- Q And lived there how long as nearly as you can remember.
- A Well we left Bosque in seventy five. She was born October 8th '68 and we went from there to Coleman County in seventy five I think and just kept going west.
- Q Living in Texas all the time? A Yes sir, we went to New Mexico I don't remember just how old she was when we went to New Mexico but I think about fourteen years.
- Q And she married between fourteen and fifteen? A Yes sir.
- Q What is her husband's name? A William J. Jones.
- Q When you went from Texas you went to New Mexico to live near Carlsbad? A Yes.
- Q How she lived there how long before she removed from there?

- A I think before she come over to the Indian territory, I think about seven years.
- Q And at that time, when she was about twenty one years old we went from New Mexico where? A She was about twenty two years old; she come from there to where I live. There to Minco Chickasaw Nation Indian territory.
- Q Her husband went with her and engaged in a business there.
- A They went there and stayed with us; they stayed with us and got a place there - a farm there.
- Q What did her husband do when they went there? A He just worked round the place there.
- Q How long did they stay there in Minco? and live with you?
- A I cant be positive about that Judge; it was in the summer and fall.
- Q Did they stay a year or half a year. A It might have been a half a year.
- Q It was less than a year? A Yes.
- Q Then where did they go to? Back out to New Mexico to the ranch.
- Q There near Carlsbad? A Yes sir.
- Q The same place they lived before? A Yes sir.
- Q He had property there? A He had cattle.
- Q And he went back to the cattle; did he keep his cattle there all the while he was visiting with you? A Yes sir.
- Q Why did he go back to New Mexico? A His wife was in a condition that she couldn't stay there.
- Q What do you mean? A They say it was her lungs.
- Q Was she sick when she left New Mexico and went to Minco.
- A She never has been stout.
- Q Was she as well as usual? A Worse after she came there; she got worse; she got worse as cold weather would come on.
- Q After staying less than a year or as you think about six months in Minco in the Chickasaw Nation she went back to near Carlsbad New Mexico for two reasons as I understand you; first her physical condition was such that she desired to go back there to a better climate and she other reason was because he had cattle back there. A Yes.
- Q And wasn't his removal with his wife Annie C. Jones in part a business reason for removing? A Yes partly.
- Q Now when they went back there after living with you in Minco how long did they stay in Carlsbad or near there.
- A I don't remember, Judge, I cant answer that.
- Q Give me your best recollection. A That second time when they went to Carlsbad they didn't stay very long.
- Q Did they stay one two three or four years. A About three or four years; four years I expect.
- Q And he continued the cattle business? A Yes sir.
- Q Then they went where? A They have been back over here once since that; they were here last year.
- Q After they went from Minco the first time they went from Minco Chickasaw Nation to Carlsbad and stayed four years and then went back to Minco the second time? A Yes. I wont say about the number of years.
- Q How long did they stay in Minco the second time. A Not very long.
- Q One month or two or three? A I wasn't there; I was there when they came but I dont know when they left. They didn't stay long.
- Q I want you to give me an idea of whether it was two or three months. A Two or three months I think; I wont say positive.

- Q It was less than six months was it? A Yes.
- Q And then they went back to Carlsbad? A Yes.
- Q And have lived there since? A Yes.
- Q She has been living in the Indian Territory twice - two different times? A Yes.
- Q The first time she stayed six months or about that. A Yes sir I will say six months, it may have been less than six months; I think it was less than six months.
- Q And the second time she stayed three months or something like that. A I don't recollect.
- Q But not more than three months. A No it wasn't more than three months.
- Q Then in her whole life she has been in the Indian Territory just these two times and has stayed about six months or perhaps less than that the first and three or four months the second time? A Yes sir.
- Q Now the rest of her residence has been in Texas up until she was about fourteen and the rest of the time Carlsbad New Mexico. A Yes sir.
- Q The first time she lived in Minco she and her husband lived with you at your home? A Yes sir.
- Q Boarding or just visiting? A They were living there.
- Q Did they pay for their board. A No, they come there with the calculation of going on the farm the second time.
- Q Did he go back to his cattle business? A Yes sir.
- Q He had that business in New Mexico all the time? A Yes sir.
- Q I suppose what you mean when you say that they wanted to make a residence in the Chickasaw Nation was that if it had been a suitable climate for her they would have stayed?
- A Yes sir.
- Q Now Mr. Campbell do you know positively what the physical trouble is with your daughter Annie C. Jones? A No sir.
- Q Did anybody ever say that she had consumption? A Nothing only talk; she has been very low two or three times and I think the doctor tended on her maybe six or eight months at one time.
- Q I understood you to say a little while ago in your testimony that your daughter has never been very strong. A Never has been very stout.
- Q She has had these children however has she? A Yes sir.
- Q And you can't say that she has lung trouble can you? A No sir I can't say; but that's my opinion.
- Q It would be a very important matter to determine what her trouble is and put that evidence in this case if you desire to do so.
- Q You have no statements from any physician who ever attended on her what it was? A No sir; they think it is her lungs though.
- Q Does she know herself what her trouble is? A I don't think she does; her grandfather on mother's side died with consumption.
- Q When she was here living with you in Minco during her first visit and when she was here living with you during her second visit was she taken seriously ill during that time?
- A No sir.
- Q Her illness has been back near Carlsbad New Mexico? A When she goes where it's damp and rainy she weakens down and coughs right smart.
- Q You know that indigestion often weakens a person and coughs come from indigestion; her trouble might be something besides lung trouble but you don't know about that? A No sir.

- Q You claim your Choctaw blood from James Foster your grand father who was the great grandfather of your daughter Annie C. Jones? A Yes sir.
- Q How do you know that your grandfather James Foster is the same James Foster whose name appears upon the record which has been quoted here in this application as a beneficiary under the fourteenth article of the treaty of 1830 and also under the 19th article of that treaty. How do you know it's the same person; give me your best knowledge.
- A My mother said that that was her father James Foster who died in Mississippi and two of her uncles were sworn to before council and they have told me so too.
- Q before the Choctaw council in the Indian territory? A Yes sir; swore that he was the same Foster.
- Q The same Foster who was a beneficiary under article fourteen of the treaty of 1830? A Yes sir.
- Q Is that sworn record still in existence? A Yes sir.
- Q Do you intend Mr. Telle, to introduce the statement made by the brothers of this ancestor James Foster when they gave their testimony in reference to his identity as a beneficiary under article fourteen of the treaty of 1830 in this case? A Yes, they are here in the office in the tribal claim of James M. Campbell.

You will be allowed until and including the 24th day of March 1903 in which to introduce any proper evidence or testimony in support of this application for the identification of Annie C. Jones and her children as Mississippi Choctaws.

- Q Your grandfather James Foster had four children? A Yes sir.
- Q Dorothy, James Madison, Ellen and Ephriam? A Yes sir.
- Q Is Ephriam living? A Yes sir.
- Q Where is he living? A In the Chickasaw nation close to where I live.
- Q Is he a citizen of the Choctaw Nation? A Yes sir.
- Q How old is he? A He's seventeen years older than me; he's seventy two years old; my mother was older than him; he's the youngest one of the children.
- Q Your mother was Ellen? A Yes sir.
- Q How old would she be if living now? A I think she was about -- I know she was large enough to know when her father died; that is she has told me so; she remembers his dying very well.
- Q Is your mother living now? A No sir.
- Q How old would she be if living now? A I expect she would be about seventy five years old, as near as I can give it.
- Q How old would James Madison be if living now? A He would be I guess three or four years older than she; I don't know which one is the oldest - him or Dorothy; Dorothy was the oldest and he was next and then mother.
- Q How old would Dorothy be if living now? I expect she would be eighty years old.
- Q The records show four children; do you think that these children whose names you have mentioned are the four minor children of that James Foster? A Yes sir.
- Q Well now Ephriam you say is seventy two years old now.
- A He's seventy two or three; I don't know which.
- Q If it's the same child he would have been a very small child at that time would he not, a baby in fact.
- A I will tell you what these old men witnesses say; they have told me that one of them lived with Jim Foster when he died, he

- died in his lap when he died and he told me that either he was six weeks old or a very small baby; that they had been to this Colonel Ward - some agent or something and had fixed up something - I don't know what it was - had been there and as he come home he got some whiskey and taken sick, got pretty drunk and taken sick right then and died within a week after they come back; I know he told me that and this Hugh Foster went over there; I believe William went with them; they was full too -- to some kind of meeting and found some whiskey as they came home and I suppose they all got drunk.
- Q And at that time this child was an infant. A Yes sir about six weeks or six months, I won't be positive about that.
- Q And that's the youngest of the four children? A Yes sir.
- Q And you claim that Ellen was two or three years older than that child? A Yes sir.
- Q And that James Madison was two or three years older than the next? A Yes sir, I think so, I'm not positive which is the oldest Dorothy or Jim but I know that mother was telling about how they buried grandfather and she was there----
- Q Buried James Foster? A Yes sir.
- Q Describe that burial as you got it from your mother. A They came there and built a camp in a circle with logs and went through a regular Choctaw burial; they went round mourning and weeping and sat---
- Q And they all sat on these logs in the circle? A Yes sir - had a fire in the center.
- Q This is what your mother told you about the funeral service of her father your grandfather James Foster? A Yes sir. Her grandmother James Foster's mother stayed with them the most of the time; she never spoke a word of English in her life and her husband was a white man and she wouldn't wear dresses like white people.
- Q Mose Foster was the father of James? A Yes sir.
- Q And he was a white man? A Yes sir.
- Q And married this full blood Choctaw woman? A Yes sir.
- Q Go on and tell about what your mother told you further of that funeral service of her father.
- A Grandmother stayed with the children taking care of them; she got these little children, I suppose it was my mother and the other two larger ones, of course my uncle wasn't large enough to run, but they got them inside of the circle -- my great grandmother -- and when they commenced -- then these children ran off.
- Q You mean went and hid some place? A Yes.
- Q Did they have the regular old fashioned cry as they call it.
- A Yes, sir I've forgotten now how long it lasted.
- Q Was the body of James Foster there in that circle? A I don't know about that part of it.
- Q You understand that those cries often occurred when they had no burial at all; that might have been six months or a year after the burial. A It was right away.
- Q You don't know whether the body was there or not? A No.
- Q Did your mother tell you what they did besides this crying; did they have any feasting? A I don't know.
- Q Do you know whether they had a grave there in which the body was placed or whether they had sticks stuck up to represent the grave? A No sir, she never told me about that.
- Q When was this ceremony; what year? A I don't know sir.
- Q Was it at the time when or shortly after he had been to Colonel Ward the Indian agent? A It must have been right away because he died shortly after that; it's my recollection he died in about a weeks time.

- Q This is all family history and what you get from your mother -
A Yes sir.
Q Did you ever see your grandfather James Foster? A No sir.
Q Were you ever told by your mother that her father James Foster spoke the Choctaw language? A No I don't believe I was.
Q Did your mother ever speak the Choctaw language? A Not much; some
Q Do you speak it yourself? A No.
Q James Foster then was a half blood Choctaw Indian? A Yes.
Q His father was Mose Foster. A Yes sir an Irishman.
Q And his mother was a full blood Choctaw woman and spoke the Choctaw language and no other language. A No other language
Q What was her name? A I don't recollect it. I've heard it lots of times.
Q Did your mother ever tell you that James Foster your grandfather went to Colonel William Ward the United States Indian agent within six months after the treaty of 1830 was ratified and registered under article fourteen of that treaty? A No she never told me.
Q How do you get the fact except as you have already stated that James Foster did do that then? A Womacks; these two men Womacks; grandmother's brothers; great uncles of mine.
Q Did they go with him? A They were there.
Q At the time of the registration? A One of them lived with James Foster - Abram lived with James Foster and Abner Womack lived on Hugh Foster's place in Mississippi.
Q Do you want to have Ephraim come here and testify or don't you care to do that Mr Telle? A I would like to have Eph or Ephraim Foster testify but he is getting very infirm and old, Judge.

To applicant:

- Q Do you know whether any of your Choctaw ancestors James Foster or your mother Ellen lived on land in Mississippi or Alabama in the old Choctaw Nation five years and at the end of that time received a patent from the government? A I don't know.
Q Do you know if any of your Choctaw ancestors James Foster or Ellen his daughter or any other Choctaw ancestor of yours went from that old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 which was on the 24th day of February 1831 and the date of this application made by your daughter Annie C. Jones today? A Nothing only hearsay. I heard there was a good many of them.
Q I mean your ancestors and your daughter Annie C. Jones' ancestors; did James Foster go or your mother Ellen or did you yourself go? A Yes I come to the Choctaw Nation.
Q But you left Mississippi and went to Texas. A I left Louisiana and went to Texas.
Q Then you came to the Chickasaw Nation? A Yes sir when we left Louisiana we started to the Choctaw Nation in 1856.
Q How long did you live in Mississippi before you left there?
A I never lived in Mississippi.
Q Your mother who lived in Mississippi went to Louisiana and you were born there? A Yes sir.
Q From what you have been told about your grandfather James Foster by your mother Ellen and what you have been told by

these Womacks who are great uncles of yours and what you have been told by your uncle Ephriam you believe that James Foster whose name appears in what purports to be a register of Choctaw names as entered by the agent previous to the 24th of August 1831 which list is Colonel Ward's register and is on page 133 volume seven American State papers is the same James Foster as your grandfather? A Yes sir.

On that same list Colonel Ward's original register as shown on page 133 volume seven American state Papers appears the name of William Foster.

- Q Do you know whether you were related to that William Foster?
A Only what I've heard.
Q What have you heard about that? A That he was a brother of James.
Q The name of Hugh Foster also appears on that registry list. Do you know whether he was a relative of yours? A He was a brother of James Foster.
Q Then you have heard that William Foster and Hugh Foster and James Foster whose names all appear on Ward's registry list were brothers? A Yes sir.
Q And are members of your family; you have heard of them through your mother as members of your family? Yes sir.
Q A little while ago you stated in your testimony that your grandfather James Foster had brothers William and Hugh Allen Foster did you not? A Yes sir.
Q Is this Hugh Allen Foster the same Hugh Foster whose name appears on Colonel Ward's registry list? A Yes sir.
Q Did your mother tell you so? Yes sir.
Q Did your uncle Ephriam ever tell you so? A No he was too small to know.
Q Did any of the children of James Foster whom you have given, Dorothy or James Madison ever tell you that your grandfather James Foster had brothers whose names were William and Hugh as a matter of family history and tradition, do you know that to be a fact? Yes sir.
Q Then on the strength of these facts which you have testified to in this application for identification as a Mississippi Choctaw made by your daughter Annie C. Jones, you and the other members of your family have been admitted to citizenship in the Choctaw Nation? Yes sir.

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This witness, James M. Campbell is the father of the applicant Annie C. Jones; while she shows no Choctaw blood, being light in complexion and blue eyes and brown hair, her father, this witness is dark; has black eyes; black hair; mustache lighter and somewhat gray; he is a witness of more than average intelligence and has given his testimony clearly and in a straightforward manner.

By Mr. Teller: I will ask that the testimony as filed in the case known as Campbell and Foster case Choctaw D 93 and Choctaw D 100 with the case in the office of the Commission to the Five Civilized Tribes, be considered in connection with the application of Annie C. Jones, also.

Clar. Mitchell Wood being first duly sworn upon her oath

James M. Campbell 10

states that she reported the foregoing case on the 26th day of February 1903 and that the foregoing is a true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Chara Mitchell Wood

Subscribed and sworn to before me this 12th day of March 1903

Charles McLaury

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 26, 1903.

In the matter of the application of Annie C. Jones for the identification of herself and her three minor children, Maud, May and Leonard H. Jones as Mississippi Choctaws.

A. Telle, Attorney for applicant.

Annie C. Jones being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Annie C. Jones.
Q What is your age? A Thirty five.
Q What is your post office address? A Carlshad, New Mexico.
Q How long have you lived in Carlshad, New Mexico. A Off and on nearly twenty one years.
Q For how long continuously during the last few years have you lived there; how many years continuously? A I've been here several times.
Q Give me an idea of how long you have lived there continuously the last time. When did you first go to Carlshad New Mexico.
A About twenty one years this coming Spring.
Q And you stayed there how long? I stayed there until ninety six I believe.
Q And then where did you go? A We come up here in the Indian Territory.
Q Where did you come to in the Indian Territory? A To my father's in the Chickasaw nation.
Q What place? A Minco.
Q In what nation? A In the Chickasaw.
Q And you stayed there how long that time? That was in ninety six, you stayed there how long in Minco? A I don't remember just exactly.
Q Did you stay there a year or less? A Less.
Q About how long was it? A I don't remember how long; I didn't stay very long because I wasn't well and I had to go home.
Q Did you stay two months or three? A Just a few months.
Q And then did you go back to Carlshad? A I did.
Q And stayed there how long that time? A Stayed there -- we was here again last year awhile.
Q You stayed there until 1902? A Yes sir.
Q And then in 1902 where did you go from Carlshad? A Come back up here.
Q To Minco, Chickasaw Nation, Indian Territory? A Yes, sir.
Q And stayed how long? A I wasn't here very long that time.
Q A few months? A Yes sir.
Q Give me an idea? A I declare I don't know; I was sick a long time, and I don't know exactly what date.
Q Just about? A I guess three months - I think. Or two months and a half.
Q That was in 1902. A Yes.
Q And then you went back to Carlshad? A Yes.
Q Have you been there since? A Yes sir.

- Q So for twenty one years you have lived in Carlsbad New Mexico with the exception of the times you have lived in the Indian Territory? A Yes sir.
- Q Is the reason why you are living in Carlsbad and why you have lived there all this time because of your physical condition? A Yes sir.
- Q You are not able to live in the Indian Territory? A No sir.
- Q Is your father living? A He is.
- Q Is your mother living? A She is.
- Q What is your father's name? A J.M. Campbell.
- Q What is your mother's name? A Frances Campbell; Susan Frances
- Q Through which parent do you claim Choctaw blood? A Father.
- Q How much Choctaw blood do you claim? A One sixteenth.
- Q You claim your father is one eighth Choctaw?
- A Yes, sir.
- Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A Yes sir.
- To Mr. Telle: Is he enrolled Mr. Telle as a Choctaw Indian in the Choctaw Nation? A Yes, sir.
- Q To the applicant: Is he on the ninety six census roll of the Choctaw Nation? A Yes sir.
- Q Is any other member of his family enrolled with him? A All of his children are.
- Q How many children are enrolled with him, can you name them.
- A I can.
- Q Name them please. A Commencing with myself, my sister Ella White my brother Jimmie - James Lee Campbell, C.R. Campbell, T.A. Campbell, S.S. Campbell, Mollie Beddingfield, Maggie Jones, Minnie Campbell, Willie Campbell and Dillard.
- Q Do you know whether their names appear as you have given them on the 1896 roll of the Choctaw Nation? A Yes, sir I think they do.
- Q Your name then is enrolled with your father's and the other members of his family? A Yes sir.
- Q Are all the members of your father's father and these brothers and sisters whose names you have given enrolled as members of the Choctaw Nation in the Indian Territory except yourself? A Yes, sir, as far as I know.
- Q Why are you now not a member of the Choctaw Nation in the Indian Territory. A Because I've been rejected on account of non residence.
- Q Have you received a notice of your rejection by the Commission
- A Yes sir.
- Q You received it to day did you? A Yes sir.
- Q Have you made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory since 1896 or to the Dawes Commission?
- A No.
- Q She never has, Mr. Telle? A Yes, sir, she applied to the Dawes Commission.

Statement by A. Telle, Attorney for applicant: Mrs. Annie C. Jones, the applicant, here appears for identification as a Mississippi Choctaw. About the year 1888 she with her father James M. Campbell and the rest of his family was admitted to citizenship in the Choctaw Nation by an act of the Choctaw Council, and her name appears on the 1893 pay roll and on the 1896 roll as prepared by the tribal authorities of the Choctaw Nation; she was also listed for enrollment by the Dawes Commission on a doubtful card, marked D. 703 by decision rendered in her case and that of her minor children, Maud, May and Leonard H. Jones on the ground of non-residence at the

date of the passage of the Curtis act, June 28, 1898; having been rejected as such she applies for identification as a Mississippi Choctaw.

By the Commission:

- Q Mrs Jones you have heard this statement made by your attorney Mr. Telle, with reference to action taken in your case have you not? A Yes, sir.
- Q Do you swear under oath that the statement made by Mr. Telle is correct and do you endorse that statement made by him?
- A To the best of my knowledge I do.
- Q The facts as related by Mr. Telle now are as you understand them? A Yes, sir.
- Q And you therefore come before the Commission at this time to make application for your own identification and the identification of your minor children as Mississippi Choctaw?
- A Yes sir.
- Q Do you make this application today basing your claim upon the provisions contained in article fourteen of the treaty of 1830?
- A Yes, sir.

In 1830 on the 27th day of September of that year a treaty was made between the United States government and the Choctaw tribe of Indians who at that time were living in the old Choctaw Nation which was partly in the state of Mississippi and partly in the state of Alabama; this treaty was made at a place called Dancing Rabbit Creek in Mississippi; the purpose in making that treaty on the part of the United States government was to get the consent of the Choctaw Indians who at that time were living in that old Choctaw Nation in Mississippi and Alabama to go from there to the Choctaw Nation Indian Territory; the Indians lived in the old Choctaw Nation east of the Mississippi river and had their rights encroached upon by the people who were citizens of those states and who claimed that they had rights as citizens of the states that were superior to the rights of the Indians down there; the government therefore desired to remove them to the Choctaw Nation Indian Territory upon land owned by the government in order that they might be protected by the government from the encroachments of the white people; before the treaty was signed it became known that a good many of the Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and as no provision had been made for Indians who wanted to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; this article is the one under which you make your application today and was intended to protect the interests and rights of Mississippi Choctaw Indians and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such

child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any Choctaw ancestor of yours complied or attempted to comply with the provisions of that article -- you know what I mean by ancestors. A My father's kin folks I believe.
- Q I mean your kin folks - going back to the old people from whom you are lineally descended. A I dont know anything about them.
- Q Who do you claim your right to be identified through? A My great grandfather - James Foster.
- Q What is his name? A James Foster.
- Q How much Choctaw blood did he have? A One half.
- Q You claim through your father? A Yes.
- Q And your father claimed through whom - his father or mother. A His mother.
- Q What was his mother's name? A Foster.
- Q Full name? A Ellen Foster.
- Q And she claimed through whom? A James Foster.
- Q James Foster was the father of Ellen Foster and she was the mother of your father J.M. Campbell? A Yes sir.
- Q Do you know when and where your father and mother were married. A Yes I think I do.
- Q When were they married? A Sixty seven, I think, October.
- Q Do you remember the day of the month; what day in October? A 31st.
- Q Where were they married? A Bosque County.
- Q In what state? A Texas.
- Q Were they married by a minister under a license or a Justice of the Peace. A Justice of the Peace.
- Q Have you the proof of that marriage with you now?

By Mr. Telle: I would like to state that the marriage of James M. Campbell to his wife is in the J.M.Campbell case.

- Q Is that the father of this applicant? A Yes, her father.
- Q Has he made application before the Commission for citizenship rights? A Yes, sir, he's listed for enrollment as a Choctaw.
- Q When did he make application? A He was admitted in '88.
- Q I don't understand what you mean by his marriage license being with his papers. A The marriage certificate between J.M.Campbell and his wife are in evidence all together with his case as a Choctaw claimant on the ninety six roll.

By the Commission: Mr. Telle you will be allowed reasonable time to file in this application the proof of the marriage of her father and mother.

By the Commission to applicant:

- Q Are you married? A Yes, sir.
- Q Is your husband living? A He is.
- Q What is his name? A William M. Jones.

- Q What is his race? / He's a white man.
- Q Do you make any application for him today? A No.
- Q Do you want to make application for your minor children? A I do.
- Q What is the name of your oldest child? A Maud Jones.
- Q How old is Maud? A She's nineteen years old.
- Q What is the name of the next child? A May Jones.
- Q How old is May? A She's sixteen.
- Q What's the name of the next child? A Leonard H.
- Q How old is Leonard? A He will be two years old the 23rd of this coming July.
- Q Do you now make application for the identification of yourself and these three minor children? A Yes, sir.
- Q Your husband William M. Jones is the father of these children? A Yes sir.
- Q Are you and your husband living together as husband and wife, and are your children living with you both at his home? A Yes, sir.
- Q And you are all living near Carlsbad, New Mexico? A Yes, sir.
- Q Did your attorney state that your name and the names of your children are on the ninety six census roll of the Choctaw Nation or only just your name? A Mine and the children's except the last one.
- Q Leonard H. A Yes sir.
- Q But Maud and May were both on that roll. A Yes sir.
- Q And you have received notice today of your rejection for citizenship in the Choctaw Nation and also these three children because of your non residence in the Indian Territory?
- A Yes sir.
- Q You make this application for identification for yourself and your three children now as citizens of the Choctaw Nation irrespective of any other claim that has been made or of any action that has been taken by the Commission? A Yes, sir.
- Q Now you say you claim your right to be identified and the right also for the identification of these minor children through your great grandfather James Foster who was a half blood Choctaw Indian? A Yes sir.
- Q Now did James Foster live in Mississippi or Alabama? A In Mississippi.
- Q Did James Foster live in the state of Mississippi in 1830 and have a family living with him there at that time? A Yes sir.
- Q How do you know that your great grandfather James Foster lived in Mississippi in 1830 and had a family therethen -- give me the best information that you can; tell me just exactly all about it; do you learn that from members of the family?
- A From my father, all I know about it.
- Q Do you know whether James Foster your great grandfather within six months from the ratification of the treaty of 1830 went to the United States Indian agent Colonel Ward and told him that he wanted to stay in Mississippi take land and become a citizen of the states? A I don't know.
- Q Did James Foster your great grandfather or any other Choctaw ancestor of yours live on land in that old Choctaw Nation either in Mississippi or Alabama five years and at the end of that time receive a patent or deed of that land from the government under article fourteen of the treaty of 1830? A I don't know.
- Q Do you know whether James Foster or any other Choctaw ancestor of yours claimed any land in the old Choctaw Nation either in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

- Q Did James Foster or any other Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians at any time between the ratification of the treaty of 1830 and the date of this application made by you for the purpose of making a permanent residence in the Choctaw Nation Indian Territory? A I don't know anything about it. My father came here.
- Q Your father went to that nation in the Indian Territory?
- A Choctaw.
- Q When did he go there? A Eighty six.
- Q Where was he living before that time? A He went from Texas there I believe.
- Q Did he used to live in Mississippi? A No.
- Q Was your father born in Texas? A Louisiana.
- Q Never did live in Mississippi then? A No sir.
- Q Did James Foster die in Mississippi? A I don't know.
- Q Did he ever leave the state of Mississippi? A I don't know.
- Q How old would he be if he were living now? A I don't know.
- Q You don't know when and where he was born? A No.
- Q Do you know when and where he died? He died in Mississippi.
- Q But you don't know the date? A No.
- Q What was the name of your ancestor who was the descendant of James Foster through whom you claim? What is the name of your grandmother who was the daughter of James Foster? A Ellen Foster.
- Q That was her name? A Yes.
- Q Did she live in Mississippi? A I don't know.
- Q Do you know how old she would be if living now? A No.
- Q Do you know when she died and where? A No.
- Q Do you know where and when she was born? A No.
- Q Was Ellen Foster the mother of your father James M. Campbell?
- A She was.
- Q Was your father born in Mississippi? A No.
- Q Born in Texas? A No he was born in Louisiana.
- Q Did his mother die in Louisiana? A Died in Texas.
- Q You say James Foster was living in 1830 in Mississippi?
- A I don't know.
- Q Did you ever hear that James Foster or any other Choctaw ancestor of yours went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian territory with the other Indians at the expense of the government between 1833 and 1838? A I don't know.
- Q Did James Foster or any Choctaw ancestor of yours own any improvements on land in the old Choctaw Nation either in Mississippi or Alabama in 1830 or thirty one?
- A I don't know.
- Q Did any Choctaw ancestor of yours go before a commission appointed by act of Congress approved March 3 1837 or before a commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These two commissions were appointed one in 1837 and the other in 1842 because of the complaints made by Choctaw Indians; those Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified most of them had land in the old Choctaw Nation upon which they had improvements; according to article fourteen of the treaty of 1830 they were obliged to go to Colonel Ward the agent and register or attempt to register under article fourteen of that treaty; a great many of them did this but because Colonel Ward refused to allow them to register for some reason known only to himself;

afterwards the government took the land from those Choctaw Indians and sold it at its public land sales; now because of this action of Ward's and because of the act of the agents of the government later in taking their land those Indians complained to Congress and these two commissions were appointed one in 1837 and the other in 1842 and these commissions heard those Choctaw Indians and their complaints and made lists of all who appeared before them.

- Q Did you ever hear that any of your Choctaw ancestors went before either of these commissions and claimed any benefits under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which scrip entitled them to select land in Mississippi Alabama Louisiana or Arkansas to take the place of the land which those Indians had formerly held in the old Choctaw Nation and which the government had taken from them and sold. A I don't know.
- Q Do you speak or understand the Choctaw language. A No sir.
- Q Do you want time in this case, Mr. Telle? A Nothing except to file the certificate of the marriage of her parents.
- Q How much time do you want? A Thirty days.
- Q I can hardly give you that now; the time will be limited to and including the 24th day of March 1903 during which time proper evidence will be accepted in this case.

Examination by Mr. Telle:

- Q Mrs Jones what is your present post office address? A Carlsbad New Mexico.
- Q Where did you live before you went to New Mexico? A Texas.
- Q Any where else? A No sir.
- Q Just Texas? A Yes sir.
- Q I will ask you if you ever resided in the Indian Territory? A Yes sir.
- Q Where were you born? A Born in Bosque County Texas.
- Q I believe you stated that you had been a resident of the Choctaw and Chickasaw Nation. A Yes.
- Q Do you own any property in the Choctaw and Chickasaw Nations? A I do.
- Q Where? A Mingo, Chickasaw nation.
- Q What is your father's name? A J.M.Campbell.
- Q Is he living? A He is.
- Q Is he a citizen by blood of the Choctaw nation? A He is.
- Q I believe you stated your mother's name was Susan Frances Campbell. A It is.
- Q Is she living? A No sir.
- Q Where did you marry your husband William J. A Near Carlsbad New Mexico.
- Q I believe you stated he was a white man? A Yes sir.
- Q Are these children that you mentioned, Maul, Ray and Leonard, are they residents of New Mexico there with you? A Yes sir.
- Q I understood you to state that it was on account of your health that you are in New Mexico and have not been a resident of the Indian Territory. A Yes on account of my health.
- Q Is it for the effect of the air or what is it. A It's damp here and cold and I can't live here.
- Q Then it's lung trouble you have? A Yes sir.
- Q You have tried to live here have you? A Yes.
- Q And whenever you live here any length of time your lungs

- begin to affect you? A Yes sir.
- Q Has it been your intention to hold your property here and considered this your home? A It has.
- Q And you were absent on the 28th day of June 1898 for the reason that the condition of your health wouldn't allow you to live here? A Yes sir the condition of my health -- I can't stay.
- Q As you understand it then you were rejected by the Commission on account of non residence on June 28 1898? A Yes sir.

By the Commission :

- Q Where were you born? A Bosque County Texas.
- Q How long did you live in Texas before you removed from that state. A Fourteen years.
- Q You say that you are troubled now with lung trouble? A Yes.
- Q Were you troubled with that disease while you were living in Texas - during that time - previous to your removal from Texas. A Not that I know of.
- Q As a child then living in Texas you were not troubled that way? A No.
- Q At the age of fourteen when you left Texas where did you go.
- A New Mexico.
- Q You went from Texas to New Mexico. A Yes sir.
- Q Did you go there with your father's family. A I did.
- Q Did your father go with you? A Yes.
- Q Where did you go to - what place. A Near Carlsbad.
- Q Where you are living now? A Yes.
- Q Did your father go there to make it his residence, for business purposes or engaged in business there. A Yes.
- Q What business did he engage in? A The cattle business.
- Q How long did you live there that time? A Seven years.
- Q And at the end of that seven years residence near Carlsbad New Mexico you were twenty one years old were you. A I was married before I was fifteen.
- Q When were you married? A Twenty years ago.
- Q When you were fifteen years old? A I wasn't quite fifteen.
- Q And you married at Carlsbad or near there. A Yes.
- Q After you lived there seven years and when you were twenty one years old where did you go? A Into the Territory.
- Q Where did you go to? A To Minco.
- Q How long did you stay in Minco at that time. When you went to Minco Indian Territory from Carlsbad when you were twenty one years old how long did you stay there at that time? A I don't remember.
- Q Was it less than a year. A I think so; I don't know.
- Q Were you troubled then with that sickness? A Just about that time.
- Q Did it develop up here or before you came. A I never have been real stout.
- Q Did you then go back to New Mexico because of your health.
- A Yes.
- Q And have substantially lived there since. A Yes, I've been here twice.
- Q The two times you have mentioned in your other testimony.
- A Yes sir.

This applicant has the appearance of being descended from white parentage; has brown hair; blue eyes; and a light complexion; she does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

By Mr. Telle:

I would like to introduce the name of her ancestor through whom she claims, page 133 of volume seven of the American State Papers, the name of James Foster appears in the register of Choctaw names as entered by the agent previous to the 24th of August 1831 who wished to become citizens according to the provisions of the late treaty in 1830; his name appears as having four children under ten years and he was a half breed Indian and that the date of his entry was June 16th 1831.

On page 134 of this same volume seven of the American State Papers is certificate of W. Ward United States Indian agent stating this: " I do certify that the foregoing persons did apply to me as agent to have their names registered to remain five years and become citizens of the states before the 24th, 1831.

By the Commission:

Mr. Telle you have quoted the record as contained in volume seven of the American State Papers on page 133 and also on page 134 and in so doing you quoted the name of one James Foster a one half blood Choctaw Indian but you have offered no testimony or evidence to show that James Foster is the James Foster who was the great grandfather of this applicant through whom she claims her right to be identified as a Mississippi Choctaw; do you intend to introduce such evidence as that in this case.

A I wish to introduce the testimony of James M. Campbell the grandson of James Foster.

The applicant who has testified shows by her testimony that she does not know anything about her Choctaw ancestor, or about compliance on his part with article fourteen of the treaty of 1830 .

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James M. Campbell, the father of this applicant being first duly sworn testifies as a witness in the matter of the application for the identification as a Mississippi Choctaw of Annie C. Jones, his daughter, as follows:

Examination by the Commission:

- Q What is your name? James M. Campbell.
- Q What is your age? A Fifty five years old.
- Q What is your post office address? Minco Indian Territory.
- Q Chickasaw Nation? A Yes sir.
- Q What is your business or occupation? Farmer and cattle raiser.
- Q Are you a member of the Choctaw tribe of Indians? Yes sir
- Q Do you come before the Commission at this time to testify in the matter of this application just made by your daughter for her identification and the identification of her children as Mississippi Choctaws? A Yes sir.

Examination by Mr. Telle:

- Q How did you become a citizen of the Choctaw Nation?
A By being admitted in 1888; I made application in eighty six.
Q You made application in eighty six and were admitted in eighty eight? A Yes sir.
Q What other people were admitted at the same time with you?
A My uncle's family - Posters; E. Foster and his family.
Q Did you have any brothers or sisters admitted at the same time? A Yes.
Q Who were they? Eph Campbell, Eliza Paddick., and their children; two of my sisters were left out; I wasn't there when the roll was made and two of my sisters were left out.
Q I believe you have stated that you are the father of Annie C. Jones? A Yes sir.
Q She is a child of yourself and your wife Susan Frances Campbell
A Yes sir.
Q Was Annie C. Jones admitted by the act of the Choctaw Council that admitted you and the rest of the family? A Yes sir.
Q Did she draw any of the leased district payment in ninety three? A No.
Q Is she on the tribal roll prepared by the Choctaw nation in 1896? A Yes.
Q Do you know whether or not she applied to the Dawes Commission in 1898? A No not that time; it was since then.
Q Just state when it was? A About a year ago I guess.
Q I understand you to say she applied in 1902? A Yes.
Q Has Annie C. Jones ever resided in the Choctaw or Chickasaw Nation. A Chickasaw.
Q In the Chickasaw Nation? A Yes sir.
Q Has she any property in the Choctaw nation? A Yes sir.
Q At what place? A Near Minco.
Q Do you know why Annie C. Jones has not taken up permanent residence in the Chickasaw Nation? A She is weakly; always was and whenever she comes over there to stay -- she has never stayed there very long until she begins to get to coughing; it's her lungs.
Q Then lung trouble is the cause of her residence at this time in New Mexico. A Yes sir.
Q Has she abandoned her rights there? A No sir.
Q Do you know whether she intends if possible to take up permanent residence in the Chickasaw nation? A Yes sir.
Q She was rejected by the Commission to the Five Civilized Tribes on the ground of non residence I believe?
A Yes sir.
Q At the date of the passage of the Curtis Bill June 28 1898?
A Yes sir.
Q You are the father of Annie C. Jones? A Yes sir.
Q State how she comes by her Choctaw blood? A Through me.
Q And how do you get your blood? A Through my mother.
Q What was her name? A Ellen Foster.
Q And she married your father Campbell? A Yes sir.
Q Who was her father? A James Foster.
Q Now this James Foster through whom you claim your Choctaw blood; where did he live originally? A In Mississippi; on Little Black Creek.
Q Where did he go to from Mississippi? A He died there.
Q Did you ever reside in Mississippi? A No sir.
Q Where were you born? A Jacks on Parish Louisiana.
Q Did James Foster the man who was living at the date of the treaty of 1830 have any children? A Four.
Q What were their names? A Dorothy, James Madison, Ellen and Ephraim. Ephraim is living now in the Chickasaw Nation.

- Q Ephriam Foster is the son of James Foster and is now living in the Chickasaw Nation? A Yes sir.
- Q What brothers did James Foster have if any? A The ones I've been told was William; there's one they call his name Hugh Allen -- he was killed down here at Skullyville; I don't know what become of William; I think he had one brother named Mose - young Mose - their father was named Mose; he had one sister -- one married a man named Jacobs.
- Q Is that the party known in the American State Papers as the widow Jacobs? A Then she moved to the Indian Territory too; Hugh Foster lived down here at Skullyville and he was killed.
- Q Give these brothers of your grandfather? James Foster.
- A There is William Foster; John Foster, Hugh Foster and William Foster all came to the Choctaw Nation with the exception of William Foster; I don't know that they all came to the Choctaw Nation; part of them I don't know anything about.
- Q Which ones came to the Choctaw Nation? A William and Hugh and Mrs. Jacobs and I don't know whether any of the other girls came or not; one was named Simmons.
- Q As far as you know you have been taught that these parties were all living at the date of the treaty of 1830 and applied for what was known as the five years stay. A I don't know for certain about that; I think, though, they did.
- Q That has been your information? A Yes.
- Q That is they were claimants under the fourteenth article of the treaty of 1830? A Yes.
- Q What is your understanding as to the amount of Choctaw blood your grandfather James Foster had? A Half.
- Q He was a half breed Choctaw? Yes his mother was a full blood; my mother said she was.
- Q And James Foster your grandfather lived and died in Mississippi A Yes sir.
- Q Did you ever see him? A No sir.
- Q Died before your birth? A Yes sir.
- Q Annie C. Jones has three children? A Yes sir.
- Q What are their names? A Maud, May and Leonard.
- Q And they are living with her? A Yes sir.

By the Commission:

- Q Mr Campbell I am going to ask you first with reference to the question of your daughter Annie C. Jones' residence in the Choctaw Nation and then I want to ask you particularly with reference to your Choctaw ancestry and whether or not your grandfather James Foster was a beneficiary under article fourteen of the treaty of 1830.
- Q Where was your daughter Annie C. Jones born? A In Bosque County Texas.
- Q And lived there how long as nearly as you can remember.
- A Well we left Bosque in seventy five. She was born October 8th '68 and we went from there to Coleman County in seventy five I think and just kept going west.
- Q Living in Texas all the time? Yes sir, we went to New Mexico I don't remember just how old she was when we went to New Mexico but I think about fourteen years.
- Q And she married between fourteen and fifteen? A Yes sir
- Q What is her husband's name? A William J. Jones.
- Q When you went from Texas you went to New Mexico to live near Carlsbad? A Yes.
- Q Now she lived there how long before she removed from there?

- A I think before she come over to the Indian territory, I think about seven years.
- Q And at that time, when she was about twenty one years old we went from New Mexico where? A She was about twenty two years old; she come from there to where I live. There to Minco Chickasaw Nation Indian territory.
- Q Her husband went with her and engaged in a business there.
- A They went there and stayed with us; they stayed with us and got a place there - a farm there.
- Q What did her husband do when they went there? A He just worked round the place there.
- Q How long did they stay there in Minco? and live with you?
- A I cant be positive about that Judge; it was in the summer and fall.
- Q Did they stay a year or half a year. A It might have been a half a year.
- Q It was less than a year? A Yes.
- Q Then where did they go to? Back out to New Mexico to the ranch.
- Q There near Carlsbad? A Yes sir.
- Q The same place they lived before? A Yes sir.
- Q He had property there? A He had cattle.
- Q And he went back to the cattle; did he keep his cattle there all the while he was visiting with you? A Yes sir.
- Q Why did he go back to New Mexico? A His wife was in a condition that she couldn't stay there.
- Q What do you mean? A They say it was her lungs.
- Q Was she sick when she left New Mexico and went to Minco.
- A She never has been stout.
- Q Was she as well as usual? A Worse after she came there; she got worse; she got worse as cold weather would come on.
- Q After staying less than a year or as you think about six months in Minco in the Chickasaw Nation she went back to near Carlsbad New Mexico for two reasons as I understand you; first her physical condition was such that she desired to go back there to a better climate and the other reason was because he had cattle back there. A Yes.
- Q And wasn't his removal with his wife Annie C. Jones in part a business reason for removing? A Yes partly.
- Q Now when they went back there after living with you in Minco how long did they stay in Carlsbad or near there.
- A I don't remember, judge, I cant answer that.
- Q Give me your best recollection. A That second time when they went to Carlsbad they didn't stay very long.
- Q Did they stay one two three or four years. A About three or four years; four years I expect.
- Q And he continued the cattle business? A Yes sir.
- Q Then they went where? A They have been back over here once since that; they were here last year.
- Q After they went from Minco the first time they went from Minco Chickasaw Nation to Carlsbad and stayed four years and then went back to Minco the second time? A Yes. I wont say about the number of years.
- Q How long did they stay in Minco the second time. A Not very long.
- Q One month or two or three? A I wasn't there; I was there when they came but I dont know when they left. They didn't stay long.
- Q I want you to give me an idea of whether it was two or three months. A Two or three months I think; I wont say positive.

- Q It was less than six months was it? A Yes.
- Q And then they went back to Carlsbad? A Yes.
- Q And have lived there since? A Yes.
- Q She has been living in the Indian Territory twice - two difference times? A Yes.
- Q The first time she stayed six months or about that. A Yes sir I will say six months, it may have been less than six months; I think it was less than six months.
- Q And the second time she stayed three months or something like that. A I don't recollect.
- Q But not more than three months. A No it wasn't more than three months.
- Q Then in her whole life she has been in the Indian Territory just these two times and has stayed about six months or perhaps less than that the first and three or four months the second time? A Yes sir.
- Q Now the rest of her residence has been in Texas up until she was about fourteen and the rest of the time Carlsbad New Mexico. A Yes sir.
- Q The first time she lived in Minco she and her husband lived with you at your home? A Yes sir.
- Q Boarding or just visiting? A They were living there.
- Q Did they pay for their board. A No, they come there with the calculation of going on the farm the second time.
- Q Did he go back to his cattle business? A Yes sir.
- Q He had that business in New Mexico all the time? A Yes sir.
- Q I suppose what you mean when you say that they wanted to make a residence in the Chickasaw Nation was that if it had been a suitable climate for her they would have stayed?
- A Yes sir.
- Q Now Mr. Campbell do you know positively what the physical trouble is with your daughter Annie C. Jones? A No sir.
- Q Did anybody ever say that she had consumption? A Nothing only talk; she has been very low two or three times and I think the doctor tended on her maybe six or eight months at one time.
- Q I understood you to say a little while ago in your testimony that your daughter has never been very strong. A Never has been very stout.
- Q She has had these children however has she? A Yes sir.
- Q And you can't say that she has lung trouble can you? A No sir I can't say; but that's my opinion.
- Q It would be a very important matter to determine what her trouble is and put that evidence in this case if you desire to do so.
- Q You have no statements from any physician who ever attended on her what it was? A No sir; they think it is her lungs though.
- Q Does she know herself what her trouble is? A I don't think she does; her grandfather on mother's side died with consumption.
- Q When she was here living with you in Minco during her first visit and when she was here living with you during her second visit was she taken seriously ill during that time?
- A No sir.
- Q Her illness has been back near Carlsbad New Mexico? A When she goes where it's damp and rainy she weakens down and coughs right smart.
- Q You know that indigestion often weakens a person and coughs come from indigestion; her trouble might be something besides lung trouble but you don't know about that? A No sir.

- Q You claim your Choctaw blood from James Foster your grand father who was the great grandfather of your daughter Annie C. Jones? A Yes sir.
- Q How do you know that your grandfather James Foster is the same James Foster whose name appears upon the record which has been quoted here in this application as a beneficiary under the fourteenth article of the treaty of 1830 and also under the 19th article of that treaty. How do you know it's the same person; give me your best knowledge.
- A My mother said that that was her father James Foster who died in Mississippi and two of her uncles were sworn to before council and they have told me so too.
- Q Before the Choctaw council in the Indian territory? A Yes sir; swore that he was the same Foster.
- Q The same Foster who was a beneficiary under article fourteen of the treaty of 1830? A Yes sir.
- Q Is that sworn record still in existence? A Yes sir.
- Q Do you intend Mr. Telle, to introduce the statement made by the brothers of this ancestor James Foster when they gave their testimony in reference to his identity as a beneficiary under article fourteen of the treaty of 1830 in this case? A Yes, they are here in the office in the tribal claim of James M. Campbell.

You will be allowed until and including the 24th day of March 1903 in which to introduce any proper evidence or testimony in support of this application for the identification of Annie C. Jones and her children as Mississippi Choctaws.

- Q Your grandfather James Foster had four children? A Yes sir.
- Q Dorothy, James Madison, Ellen and Ephriam? A Yes sir.
- Q Is Ephriam living? A Yes sir.
- Q Where is he living? A In the Chickasaw Nation close to where I live.
- Q Is he a citizen of the Choctaw Nation? A Yes sir.
- Q How old is he? A He's seventeen years older than me; he's seventy two years old.; my mother was older than him; he's the youngest one of the children.
- Q Your mother was Ellen? A Yes sir.
- Q How old would she be if living now? A I think she was about -- I know she was large enough to know when her father died; that is she has told me so; she remembers his dying very well.
- Q Is your mother living now? A No sir.
- Q How old would she be if living now? A I expect she would be about seventy five years old, as near as I can give it.
- Q How old would James Madison be if living now? A He would be I guess three or four years older than she; I don't know which one is the oldest - him or Dorothy; Dorothy was the oldest and he was next and then mother.
- Q How old would Dorothy be if living now? I expect she would be eighty years old.
- Q The records show four children; do you think that these children whose names you have mentioned are the four minor children of that James Foster? A Yes sir.
- Q Well now Ephriam you say is seventy two years old now.
- A He's seventy two or three; I don't know which.
- Q If it's the same child he would have been a very small child at that time would he not, a baby in fact.
- A I will tell you what them old men witnesses say; they have told me that one of them lived with Jim Foster when he died, he

- died in his lap when he died and he told me that either he was six weeks old or a very small baby; that they had been to this Colonel Ward - some agent or something and had fixed up something - I don't know what it was - had been there and as he come home he got some whiskey and taken sick, got pretty drunk and taken sick right then and died within a week after they come back; I know he told me that and this Hugh Foster went over there; I believe William went with them; they was full too -- to some kind of meeting and found some whiskey as they came home and I suppose they all got drunk.
- Q And at that time this child was an infant. A Yes sir about six weeks or six months, I won't be positive about that.
- Q And that's the youngest of the four children? A Yes sir.
- Q And you claim that Ellen was two or three years older than that child? A Yes sir.
- Q And that James Madison was two or three years older than the next? A Yes sir, I think so, I'm not positive which is the oldest Dorothy or Jim but I know that mother was telling about how they buried grandfather and she was there----
- Q Buried James Foster? A Yes sir.
- Q Describe that burial as you got it from your mother. A They came there and built a camp in a circle with logs and went through a regular Choctaw burial; they went round mourning and weeping and sat---
- Q And they all sat on these logs in the circle? A Yes sir - had a fire in the center.
- Q This is what your mother told you about the funeral service of her father your grandfather James Foster? A Yes sir. Her grandmother James Foster's mother stayed with them the most of the time; she never spoke a word of English in her life and her husband was a white man and she wouldn't wear dresses like white people.
- Q Mose Foster was the father of James? A Yes sir.
- Q And he was a white man? A Yes sir.
- Q And married this full blood Choctaw woman? A Yes sir.
- Q Go on and tell about what your mother told you further of that funeral service of her father.
- A Grandmother stayed with the children taking care of them; she got these little children, I suppose it was my mother and the other two larger ones, of course my uncle wasn't large enough to run, but they got them inside of the circle -- my great grandmother -- and when they commenced -- them three children ran off.
- Q You mean went and hid some place? A Yes.
- Q Did they have the regular old fashioned cry as they call it.
- A Yes, sir I've forgotten now how long it lasted.
- Q Was the body of James Foster there in that circle? A I don't know about that part of it.
- Q You understand that those cries often occurred when they had no burial at all; that might have been six months or a year after the burial. A It was right away.
- Q You don't know whether the body was there or not? A No.
- Q Did your mother tell you what they did besides this crying; did they have any feasting? A I don't know.
- Q Do you know whether they had a grave there in which the body was placed or whether they had sticks stuck up to represent the grave? A No sir, she never told me about that.
- Q When was this ceremony; what year? A I don't know sir.
- Q Was it at the time when or shortly after he had been to Colonel Ward the Indian agent? A It must have been right away because he died shortly after that; it's my recollection he died in about a weeks time.

- Q This is all family history and what you get from your mother
A Yes sir.
Q Did you ever see your grandfather James Foster? A No sir.
Q Were you ever told by your mother that her father James Foster spoke the Choctaw language? A No I don't believe I was.
Q Did your mother ever speak the Choctaw language? A Not much; some
Q Do you speak it yourself? A No.
Q James Foster then was a half blood Choctaw Indian? A Yes.
Q His father was Mose Foster. A Yes sir an Irishman.
Q And his mother was a full blood Choctaw woman and spoke the Choctaw language and no other language. A No other language
Q What was her name? A I don't recollect it. I've heard it lots of times.
Q Did your mother ever tell you that James Foster your grandfather went to Colonel William Ward the United States Indian agent within six months after the treaty of 1830 was ratified and registered under article fourteen of that treaty? A No she never told me.
Q How do you get the fact except as you have already stated that James Foster did do that then? A Womacks; these two men Womacks; grandmother's brothers; great uncles of mine.
Q Did they go with him? A They were there.
Q At the time of the registration? A One of them lived with James Foster - Abram lived with James Foster and Abner Womack lived on Hugh Foster's place in Mississippi.
Q Do you want to have Ephriam come here and testify or don't you care to do that Mr Telle? A I would like to have Eph or Ephriam Foster testify but he is getting very infirm and old, Judge.

To applicant:

- Q Do you know whether any of your Choctaw ancestors James Foster or your mother Ellen lived on land in Mississippi or Alabama in the old Choctaw Nation five years and at the end of that time received a patent from the government? A I don't know.
Q Do you know if any of your Choctaw ancestors James Foster or Ellen his daughter or any other Choctaw ancestor of yours went from that old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 which was on the 24th day of February 1831 and the date of this application made by your daughter Annie C. Jones today? A Nothing only hearsay. I heard there was a good many of them.
Q I mean your ancestors and your daughter Annie C. Jones' ancestors; did James Foster go or your mother Ellen or did you yourself go? A Yes I come to the Choctaw Nation.
Q But you left Mississippi and went to Texas. A I left Louisiana and went to Texas.
Q Then you came to the Chickasaw Nation? A Yes sir when we left Louisiana we started to the Choctaw Nation in 1856.
Q How long did you live in Mississippi before you left there?
A I never lived in Mississippi.
Q Your mother who lived in Mississippi went to Louisiana and you were born there? A Yes sir.
Q From what you have been told about your grandfather James Foster by your mother Ellen and what you have been told by

these Womacks who are great uncles of yours and what you have been told by your uncle Ephriam you believe that James Foster whose name appears in what purports to be a register of Choctaw names as entered by the agent previous to the 24th of August 1831 which list is Colonel Ward's register and is on page 133 volume seven American State papers is the same James Foster as your grandfather? A Yes sir.

On that same list Colonel Ward's original register as shown on page 133 volume seven American state Papers appears the name of William Foster.

- Q Do you know whether you were related to that William Foster?
A Only what I've heard.
Q What have you heard about that? A That he was a brother of James.
Q The name of Hugh Foster also appears on that registry list. Do you know whether he was a relative of yours? A He was a brother of James Foster.
Q Then you have heard that William Foster and Hugh Foster and James Foster whose names all appear on Ward's registry list were brothers? A Yes sir.
Q And are members of your family; you have heard of them through your mother as members of your family? A Yes sir.
Q A little while ago you stated in your testimony that your grandfather James Foster had brothers William and Hugh Allen Foster did you not? A Yes sir.
Q Is this Hugh Allen Foster the same Hugh Foster whose name appears on Colonel Ward's registry list? A Yes sir.
Q Did your mother tell you so? A Yes sir.
Q Did your uncle Ephriam ever tell you so? A No he was too small to know.
Q Did any of the children of James Foster whom you have given, Dorothy or James Madison ever tell you that your grandfather James Foster had brothers whose name were William and Hugh as a matter of family history and tradition, do you know that to be a fact? A Yes sir.
Q Then on the strength of these facts which you have testified to in this application for identification as a Mississippi Choctaw made by your daughter Annie C. Jones, you and the other members of your family have been admitted to citizenship in the Choctaw Nation? A Yes sir.

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This witness, James M. Campbell is the father of the applicant Annie C. Jones; while she shows no Choctaw blood, being light in complexion and blue eyes and brown hair, her father, this witness is dark; has black eyes; black hair; mustache lighter and somewhat gray; he is a witness of more than average intelligence and has given his testimony clearly and in a straightforward manner.

By Mr. Telle: I will ask that the testimony as filed in the case known as Campbell and Foster case Choctaw D 93 and Choctaw D 100 with the case in the office of the Commission to the Five Civilized Tribes, be considered in connection with the application of Annie C. Jones, also.

Clara Mitchell Wood being first duly sworn upon her oath

James M. Campbell 10

states that she reported the foregoing case on the 26th day of February 1903 and that the foregoing is a true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Margaret Caldwell

Subscribed and sworn to before me this 12th day of March 1903

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 21, 1902.

In the matter of the application of Annie C. Jones for the enrollment of herself and her three minor children, Maud, May and Leonard H. Jones as citizens of the Choctaw Nation.

Annie C. Jones, thirty four years of age, and her children, Maud Jones eighteen years of age, May Jones, fifteen years of age, and Leonard H. Jones, nineteen months old, are the applicants herein. The name of Annie C. Jones is found upon the 1896 Census Roll of the citizens of the Choctaw Nation, page 182, Number 7402. The name of Maud Jones, ten years of age is found upon the 1896 Census Roll of the citizens of the Choctaw Nation, Page 182, Number 7403. The name of May Jones, seven years of age, is found upon the 1896 Census Roll of the citizens of the Choctaw nation, Page 182, Number 7404. Leonard H. Jones, the youngest child, was born July 23, 1900, subsequent to the preparation of the last tribal roll of citizens of the Choctaw Nation, and as evidence of his birth there is submitted the affidavit of Annie C. Jones, the mother, and Barbara Jones, the nurse in attendance at the birth of the child. The names of Annie C. Jones and her two children, Maud and May Jones are not found upon the 1893 Leased District Payment Roll of the citizens of the Choctaw Nation. No personal application has ever been made by or on behalf of Annie C. Jones, for the enrollment of herself and her three children as citizens of the Choctaw Nation and they at the present time reside in Carlsbad, New Mexico. Annie C. Jones, on account of her health, has been a resident of New Mexico for the past twenty years and the three children were all born in New Mexico.

C O P Y.

An act to establish the citizenship of of W. F. Foster and others.

Be it enacted by the General Council of the Choctaw Nation assembled, that William F. Foster 31. years of age, his wife Mary Foster 25 years of age, their children John A. Foster 8 years of age, Robert E. Foster 5 years of age, and Maude Foster aged 5 months also John Abram Foster 29 years of age, his wife Minnie Foster 25 years of age, their son William Foster 5 years of age, also Caledonia Paul nee Foster 33 years of age, her husband W. A. Paul 35 years of age, their children Wade Mardis Paul aged 12 years, Belle Paul 8 years of age, Ludia Paul 5 years of age, Delia Paul 3 years of age, Claude Paul aged 7 months, also Mollie Williams nee Foster 22 years of age, her husband W. F. Williams 26 years of age, their children Lula Williams 3 years of age, and Ollie Williams 1 year old, also Alice Thomas nee Foster 19 years of age, her husband John Thomas 26 years of age, their son Jesse Thomas aged 1 year, also Lula Foster aged 3 years orphan daughter of James Foster deceased, also Samuel Foster aged 13 years, and William F. Foster Jr., aged 11 years orphan children of Samuel D. Foster deceased, also Ephraim Foster about 58 years of age, his wife Amanda Foster 53 years of age, their unmarried children Edna Foster 17 years of age, Ida Foster 15 years of age, and E. A. Foster 13 years of age - the said Ephraim Foster being the father and grand father of the Fosters above named - also James M. Campbell 38 years of age, his wife S. F. Campbell 39 years of age, their children J. L. Campbell 14 years of age, C. R. Campbell 12 years of age T. A. Campbell aged 10 years, Molly Campbell aged 8 years, Maggie Campbell aged 6 years, S. S. Campbell aged 4 years, Minnie Campbell aged 3 months, their married daughter Anna Jones nee Campbell aged 18 years, her husband William Jones aged 25 years, their daughter Maude Jones aged 2 years also their married daughter Ella White nee Campbell aged 16 years, and her husband J. E. White 30 years of age, also Ephraim F. Campbell aged 36 years, his daughter Ella Campbell aged 13 years and his son William Campbell aged 6 years, also Eliza C. Paddock nee Campbell aged 34 years, ~~that is to say~~ her husband Reuben Paddock aged 38 years, their children Nancy J. Paddock aged 17 years, James L. Paddock aged 15 years, William H. Paddock aged 12 years, Reuben W. Paddock aged 10 years, Eliza Ellen Paddock aged 3 years, John S. Paddock aged 3 years, also ~~that is to say~~ Jane Kuykendall nee Campbell 30 years of age, her husband Joseph Kuykendall aged 37 years, their son aged about six years (name not now remembered) - the above named Campbells being the children and grandchildren of Ellen Campbell nee Foster now deceased who was the sister of Ephraim Foster aforesaid - are hereby admitted to citizenship in the Choctaw Nation with all ~~the~~ of its rights privileges and immunities, and this act shall take effect and be in force from and after its passage

A. B. James
Chair Com on Citizenship

-2-

Approved Nov 5. 1888

B. F. Smallwood
Principal Chief
Choctaw Nation

I hereby certify that the above is a true and correct copy of the original act now on file in my office.

In testimony whereof I have hereunto set my hand and affixed the Great seal of the Choctaw Nation

Done at Tushka Homma this the 6th day of November A. D. 1888.

(SEAL)

A. Telle
National Secretary
Choctaw Nation

Chas. T. Difendafer being first duly sworn states that the above and foregoing is a full, true and correct copy of the certified copy now on file with the Commission.

Chas. T. Difendafer

Subscribed and sworn to before me this 25th day of October 1904.

Charles H. Sawyer
Notary Public.

(COPY)

IN THE CHOCTAW AND CHICKASAW CITIZENSHIP
COURT? SITTING AT SOUTH McALESTER? IND-
IAN TERRITORY, MARCH TERM, 1904.

-oOo-

JAMES A. McLELLAN, ET AL.,

vs.

No. 10.

CHOCTAW AND CHICKASAW NATIONS.

STATEMENT OF FACTS AND
OPINION, BY ADAMS, CHIEF JUDGE.

-oOo-

The record in this case shows that, under the Act of Congress approved June 10, 1896, James A. McLellan, on the 24th day of July, 1896, filed a petition with the Commission to the Five Civilized Tribes, in which he alleges that he is a son of Dorothy McLellan, whose maiden name was Dorothy Foster; that Dorothy Foster was a daughter of James Foster, who was a Choctaw Indian by blood and who lived in the old Choctaw Nation in the State of Mississippi.

Petitioner James A. McLellan further alleges that at the time of the filing of the petition he had three children, born to him and his wife Mary E. A. McLellan, to-wit: John F. McLellan, a boy 19 years of age; James C. McLellan, a boy 14 years of age; and Robert D. McLellan, a boy one year of age. He also alleges in said petition that he and his

(1)

three children are Choctaw Indians by blood, and as such are entitled to enrollment, and prays said Commission to enroll them accordingly.

On the 24th day of July 1896, Wade H. McLellan, also filed a petition with the Commission to the Five Civilized Tribes, alleging that he is a son of Dorothy McLellan, whose maiden name was Dorothy Foster, she being a daughter of James Foster, a Choctaw Indian by blood, who resided in the old Choctaw Nation in the State of Mississippi. The petition further alleges that this applicant has seven children by his wife, Kitty McLellan, to-wit: Joseph M. McLellan, 16 years of age, a boy; John F. McLellan, a boy, 14 years of age; Abner D. McLellan, a boy 10 years of age; Adeline McLellan, a girl 8 years of age; Dolly, a girl 3 years of age; Wade McLellan, a boy 3 years of age, and Monroe McLellan, a boy one month of age, at the time of the filing of said petition. Petitioner further alleges that he, together with the above named seven children, are entitled to enrollment as Choctaw Indians by blood, and prays said Commission to enroll them as such.

Samuel J. McLellan also, on the 13th day of July 1896, filed with the Commission to the Five Civilized Tribes, a petition alleging that he is a son of Dorothy McLellan, whose maiden name was Dorothy Foster, she being a daughter of James Foster, who was a Choctaw Indian by blood and resided in the old Choctaw Nation in the State of Mississippi, and died near Lexington, Mississippi. Petitioner further alleges that he is lawfully married to Sarah McLellan, and has the following children born to him of said marriage:

Oma, aged 18 years; Edmond, aged 15 years; Mary, Aged 12 years; Samuel, aged 11 years; Ollie, aged 9 years; George, aged 4 years, and Susan, aged 1 year.

The petitioner further alleges that Susan McLellan, widow of Abner D. McLellan, is the mother of Franklin McLellan, aged 3 years, and Abner D. McLellan, aged 1 year; and that they are all children of Abner McLellan, a brother of petitioner and son of Dorothy McLellan. Petitioner further alleges that he and all others named in his petition are Choctaw Indians by blood, and as such are entitled to enrollment, and prays the Commission to enroll them accordingly.

These petitions were acted upon by the Commission to the Five Civilized Tribes on the 8th day of December, 1896, and denied by said Commission. Thereafter a petition was filed in the United States Court for the Central District of the Indian Territory, praying an appeal to said Court from the judgment of the Commission to the Five Civilized Tribes denying the right of these applicants to citizenship and enrollment as Choctaw Indians.

On the 13th day of April, 1897 the cause came on to be heard in said Court, sitting at South McAlester, when and where it was ordered, adjudged and decreed by said Court that James A. McLellan, John F. McLellan, James C. McLellan, Robert D. McLellan, Wade H. McLellan, Joseph M. McLellan, John F. McLellan, Hattie McLellan, Abner D. McLellan, Adeline McLellan, Dolly McLellan, Wade McLellan, Samuel J. McLellan, Oma McLellan, Edmond McLellan, Mary McLellan, Samuel McLellan, Ollie McLellan, George McLellan, Susie McLellan, Franklin McLellan, and Abner D. McLellan are members by blood of the Choctaw Nation; and that Mary F. A.

McLellan, Kitty McLellan, Sarah McLellan, and Susie McLellan are members by intermarriage of the Choctaw Nation; and that the petitioners aforesaid are entitled to be placed upon the roll of members of the Choctaw Nation as such members, and to all the rights, privileges, immunities and benefits as such members.

After the Decision of this Court in the case of the Choctaw and Chickasaw Nations vs. J. T. Riddle, et al., known as the "Test Case", these petitioners filed a petition in this court praying an appeal hereto under Section 31 of an Act of Congress approved July 1, 1902, which was granted; and the case came on regularly to be heard in this Court on June 3, 1903, T. N. Foster being present as attorney for applicants, and Mansfield, McMurray & Cornish being present as attorneys for the Nations, when the following proceedings were had.

Plaintiffs offered as evidence a certified copy of the Register of Choctaw names as entered by the United States Agent, W. Ward, prior to the 24th day of August, 1831, who wished to become citizens according to article 14 of the Treaty of 1830. Upon this roll is found the name of James Foster, a half breed Indian, and shows that he had four children under the age of ten years. The roll also shows the name of Hugh Foster, a half breed Indian, who also had four children under ten years of age. At the bottom of this roll appears the following certificate:

"I do hereby certify that the foregoing persons did apply to me as Agent, to have their names registered to remain five years and become citizens of the State before the 24th of _____ 1831.

(Signed) W. Ward
United States Agent."

Plaintiffs next offered in evidence a certified copy of an act establishing the citizenship of W. F. Foster and others, passed by the Choctaw council and approved November 5, 1888.

Plaintiffs next offer in evidence a certificate from the Commission to the Five Civilized Tribes, showing that James L. Paddock, William A. Paddock and Reuben W. Paddock, the children of Reuben Paddock, a non-citizen, and Eliza Paddock, now deceased, had been enrolled by said Commission as citizens by blood of the Choctaw Nation, and that their names appear upon the final rolls of the citizens of the Choctaw Nation, and that their enrollment as such by said Commission was approved by the Secretary of the Interior February 4, 1903. This certificate is signed by T. B. Needles, Commissioner, and bears date May 29, 1903.

Plaintiffs next offer in evidence a report of J. W. Denver, Commissioner of Indian Affairs, dated November 15, 1858. This report is made to J. Thompson, Secretary of the Interior at that time, in which the Commissioner says in part:

"In conformity with the stipulations of said Treaty, James Foster was entitled to one and three quarter sections of land, or 1120 acres, and Otomansha Foster, to one section, or 640 acres, which was subsequently located by Col. G. W. Martin the agent of the government as follows: (Then follows a description of said tracts).

And then adds:

"Since these locations were made, it has been found by a careful examination of a copy of a plat procured from the Local Land Office at Columbus, Mississippi, and a comparison of the same with the Township plat on file in the General Land Office, that there is a disagreement in the aggregate number of lots, embraced in the aforesaid fractional sections, as designated on the respective plats referred to."

The Commissioner further says:

This discrepancy has occasioned a mistake in describing the lands, as designated on the last mentioned plats, whereas they were selected for the reservees in accordance with the Township plats in the Land Office at Columbus."

He further says:

The reserve of Otomansha Foster, was approved by President Fillmore, on the 7th day of January 1853, in accordance with the recommendation made by the . . .

. . . .then Commissioner of Indian Affairs."

The Commissioner then recommends that certain corrections be made in the description of the tracts located for the two Fosters.

Attached to the certified copy of this recommendation of the Commissioner of Indian Affairs, I find the following entry:

"Office Ind. Affrs.,
Nov. 15, 1858.

"Comr. reports in regard to an apparent conflict between the locations made for James Foster & Otomansha Foster, reservees under the 14th Art. of the Choctaw treaty of 1830, and suggests that the tracts described should be approved by the President, as the locations made by the proper agent of the Government for the respective reservees.

Respectfully referred to the President for his approval.

(Signed) "J. Thompson,
Secretary of the Int."

"Approved Dec. 24th, 1858.
JAMES BUCHANAN."

Plaintiffs then introduce as a witness Ephriam Foster, who says he is a Choctaw Indian and is the son of James Foster, whose name was on Ward's roll; that his mother's name was Womack, a sister of A. Womack; that his father drew land as a 14th article Choctaw in Mississippi; that Dorothy McLellan is his sister and a daughter of James Foster by the marriage with his mother, whose maiden name was Womack.

that his sister Dorothy was the oldest child, and that he, this witness, is the youngest; that he knows Samuel J. McLellan, Wade H. McLellan and James A. McLellan, and also knew Abner McLellan before he died; that the above named McLellans are the children of Dorothy McLellan, witness' sister; that their father's name was Frank McLellan; that Abner McLellan is dead; that he knows W. F. Foster, who is present as a witness, and that he is witness' son and a grandson of James Foster. Witness further says that he and his son, W. F. Foster have been admitted as Choctaw Indians by the Choctaw council; that they were admitted at the same time; that they were admitted by and act of the council, approved November 5, 1888. Witness further says that he knew Eliza Paddock who is now dead; that she was the granddaughter of James Foster; that he knows James L. Paddock, William A. Paddock and Reuben Paddock; that they are the children of Eliza Paddock and Reuben Paddock; that these Paddock children have been enrolled as Choctaw Indians by blood. Witness further says that he has lived either in the Choctaw or Chickasaw nation for about twenty years; that he has moved about from place to place, but always in the nations.

Upon cross examination witness says he was 75 years old on the 15th day of last April, according to the old record; that this is what he has been told; that the record of his birth has been lost; that he was born in 1828. Witness says that he was taught by his mother that his father's name was on Ward's roll; that he knows nothing of this of his own knowledge, but gained the information from his mother's teachings; that he was also taught that his father drew land under the 14th article of the treaty of 1830, but knows nothing of this

of his own knowledge; that he was born in Holmes County, Mississippi. Witness says his father had four children, Dorothy, Ellen, James and himself; that these were the only children his father had; that Dorothy was the oldest, James next and this witness was the youngest. Witness says that he has no personal knowledge as to where his father died; that he was small at that time; that when he could first remember he was in the State of Mississippi; that his mother, after his father died, moved down into Rankin county, Mississippi; that he stayed with his mother in Rankin county, Mississippi until he was a "great big boy", and then moved to Jackson Parish, Louisiana. Witness says that his brother James died and was buried at Copenhagen, Louisiana; that the reason they went to Louisiana was because they had to go anywhere their step-father desired; that they were children. Witness says he has always been taught that he is an Indian, and never knew anything else. Witness was then asked why he did not come West with the other Indians and says that he could not because he was only a child; that he heard his mother speak of having rights here, but she was only a woman and had to go where her "man" went. Witness says he thinks his father had three brothers, naming Mose and Hugh Allen; that he is not certain about the names; that he does not know what became of his uncle Mose, but thinks Hugh Allen is buried at Old Town in the nation. Witness says he thinks his grandfather's name was Mose; that he does not know what his grandmother's name was; that he thinks his grandfather Mose was a white man, and that he has been taught that his grandmother was a full blood Indian. Witness says his mother married Samuel McLellan when witness

was very small; that McLellan made a living in Rankin county by farming; he thinks he owned a small place. Witness further says that neither he, his brother or sister received and benefits from the sale of lands conveyed to his father from the Government of the United States; that he was told there was land but they got swindled out of it; that he was told the land was located in Holmes county, Mississippi. Witness says he lived in Jackson Parish, Louisiana, after moving there from the State of Mississippi, until he was a grown man; that he went from Louisiana to Texas, Montague county; that he lived in that county six years and then moved to Boss county; that he lived in the latter county seventeen years, where he bought land; that he was accused of killing his brother-in-law Price, but that he did not leave Louisiana on that account; that he had some trouble with his brother-in-law Price before he, witness, left Louisiana, but did not at that time know he was accused of killing him. Witness further says that their attorney before the council in 1888 was Capt. Standley of Atoka; that they paid Capt. Standley several hundred dollars; that they paid him \$500.00 right at the start.

On re-direct examination witness says that he does not know where he was born except what his mother taught him; that he does not remember anything about Holmes county. Witness says he remembers going from Rankin county to Jackson county with his step-father on one occasion and they crossed Pearl River. Witness further says that all the parties included in the act of the Choctaw council, approved November 5, 1888, are his relatives, some of them being his children and grandchildren. Witness says his son William killed a man in the State of Texas, was tried for it and came clear.

Witness says that the McLellans, who are the applicants in this case, applied to the Choctaw council for admission and was rejected, he thinks. Witness further says that the Womacks are his mother's brother's children; that they wanted to come in as Indians and wanted to be put in with Witness's claim, but that he knew they were not Indians and could not swear they were, and that none of his folks could. Witness says he did not get his Indian blood from his mother's side, but got it from his father's side. Witness says the Womacks got mad about it because they would not swear they were Indians; that he hates to tell about kin folks falling out, but that was the way it stood.

William Foster is then introduced as a witness for plaintiffs, and says that he is the William Foster mentioned in the act of the Choctaw council, admitting himself and others to citizenship. Witness says that James L., William A., and Reuben W. Paddock, who are children of Eliza Paddock, are his second cousins; that these Paddock children have been admitted by the Dawes Commission, and their admission approved by the Secretary of the Interior on February 4, 1903.

On cross examination witness says he is 47 years old; that he was born in Louisiana, Jackson parish, near Bernon the county seat, on Caney Creek; that his father moved from that place the year before the war, he thinks it was, to Montague county, Texas; that his father owned land in Montague county, Texas; that he then moved to Boss county, Texas; that he lived there until 1875, when he had some trouble; that he was charged with murder; that he then went

in the State of Arkansas and remained there about five years. Witness says that Capt. Standley represented them as attorney before the Choctaw council, and each family paid him \$50.00; that he thinks there was about sixteen families, and that in all they paid him about \$1800.00. Witness says that he lived in the Choctaw Nation about eight years before he made application for citizenship; that part of this time he lived on Mrs. Folsom's farm and paid her rent; that he also worked for a man named Brittain for wages.

James A. McLellan is then introduced as a witness for plaintiffs, and says that he is the same James A. McLellan who made application to the Commission to the Five Civilized Tribes in 1896; that Mary M. A. McLellan is his wife, and that she is now living. Witness says that he has four children, to-wit: John F. McLellan, James C. McLellan, Robert D. McLellan and Levy McLellan, who is now six years old. Witness says that he has resided in the Indian Territory since the application was made to the Commission to the Five Civilized Tribes and still resides here.

On cross examination witness says that he is 50 years old; that he was born in Louisiana, Jackson parish, and moved from there to Boss county, Texas; that he moved from Boss county, Texas, to Lamar county and from Lamar county back to Louisiana, where he lived five or six months and then came back to Texas. While in Texas, witness says, he rented land and paid rent; that he contracted for a piece of land in Texas, but did not get it; that he moved from the State of Texas to the Choctaw Nation in 1894; that he and

his brother applied to the Choctaw council in 1895; that William Foster and Ephriam Foster were their witnesses; that council rejected witness and his brother.

Samuel McLellan is then introduced as a witness for plaintiffs and says he is a Choctaw Indian by blood partly and the rest is white; that he is lawfully married to his wife Sarah, and by which marriage he has the following children: Oma, Edmond, Mary, Samuel, Ollie, George, Susan, Orvil Dickie. Witness says he had a brother named Abner D. McLellan who is now dead; that his mother's name was Dorothy Foster, and that she was a sister to Ephriam Foster; that his mother married Frank McLellan, and that witness is a child of that marriage, and that his brother Abner was also a child of that marriage, as well as Wade and James A.; that his brother Abner D., who is now dead, married Susan Black, and had born to him by that marriage Franklin Black McLellan and Abner D. McLellan; that his brother Wade married Kitty Blocker and has children by that marriage. Witness says he has been taught since he can remember that his mother was a one-fourth Choctaw Indian, and a daughter of James Foster that lived in Holmes county, Mississippi, whose land was set apart for him and he died. Witness says his grandmother lived nearly a year after witness was married and that was what she always taught him. Witness further says that his grandmother taught him that his grandfather went to the Land Office to file on his land, came back home, took sick, went to bed and never got up any more. Witness says he thinks his grandmother had to live on the place five years before she could get a deed. Witness says he was living at his grandmother's house when this claim was first being worked up and that is what she told him. That he is 48 years old;

that he never saw his grandfather, James Foster; that he has always been taught that his grandfather's name was on Ward's roll; that he has seen Ward's roll, and the name of his grandfather appears thereon. Witness says he was local trustee to the local schools, - national school - for one year in the Choctaw Nation; that he has been granted permits for his renters by the Choctaw authorities; that he now lives in the Choctaw Nation and has lived there about 13 years; that he never received any of the "leased district" money. On cross examination witness says that the information he has given relative to his grandfather was taught him by his mother and grandmother; that his grandmother died in Texas after his mother died; that she died prior to his removal to the Territory; that he has been taught that his grandmother lived on the land of his grandfather for about five years after his grandfather's death; that witness' mother also lived there; that she then married Samuel McLellan. Witness says the last he heard of the land his grandmother told him it had been sold for taxes; he got this information about twenty one or twenty two years ago. Witness further says that he knows the children of Eliza Paddock, that they are his second cousins; that the Paddock children have been admitted by the Commission to the Five Civilized Tribes as Choctaw Indians, and that they derive their Indian blood from James Foster, witness' grandfather.

Susie McLellan is then introduced as a witness for the plaintiffs and says that her postoffice is Caddo, Blue county, that she is the widow of Abner McLellan, to whom she was lawfully married, and by which marriage had the following children; Franklin McLellan, aged 10 years and Abner D. McLellan, aged 8 years; that these children lived with witness in the Choctaw Nation.

Wade H. McLellan is then introduced as a witness for plaintiffs, and says that his wife's name is Kitty, and that they have eight children, to-wit: Joseph, Hattie, John, David, Adeline, Dolly, Wade and Manie, and that they are all residing with this witness and his wife in the Choctaw nation. On cross examination witness says that he is older than his other brothers; that he is 52 years old; that he came to the Territory about 11 years ago; that he left Louisiana and came to Texas and remained in Texas until he came to the Territory; that he rented land in Texas; that he applied to the Choctaw council for citizenship with his other brothers; that Capt. Standley was his lawyer.

This is the evidence as offered by the plaintiffs.

The case was then continued and came on again to be heard on the 7th day of January, 1904, when the nations introduced the following testimony:

The first evidence offered is a certified copy of a patent to land which was conveyed to Ephriam Foster as a homestead in 1860, in the State of Louisiana.

The defendants next offer in evidence Volume VII, American State Papers, Public Lands section, and make reference to page 90 thereof, from which it appears that James Foster, having twelve acres of land in cultivation and having a family consisting of five persons, none of whom were under sixteen years of age, applied for benefits under the 19th article of the Treaty of 1830. And on page 133 of the same book it appears that a person by the name of James Foster, being a half breed man, and having four children under ten years of age, applied to W. Ward, the United States agent, to have his name registered to remain five

Years and become a citizen of the State, according to the 14th article of the Treaty of 1830. And on page 135 of the same book it appears that a person of the name of James Foster, having 12 acres in cultivation, and having a total acreage of 160, applied to be listed for additional reservation in Greenwood Leflore's District.

This is all the competent evidence offered by the defendants .

It will be seen by an examination of the record that James A. McLellan, Wade H. McLellan and Samuel J. McLellan, claim that they are Choctaw Indians by blood, having derived their Indian blood from their grandfather, James Foster, who lived and died in Holmes county, Mississippi. The plaintiffs further contend that James Foster, their grandfather, complied with the 14th article of the Treaty of 1830, by signifying his intention to the agent to remain and become a citizen of the State. Plaintiffs further contend that their grandfather and grandmother had four children; that Dorothy, the mother of the three named plaintiffs, was the eldest of the four; and that the other plaintiffs are the children of the three principal plaintiffs, except Mary E. A. who is the wife of James A. McLellan; Kitty, who is the wife of Wade H. McLellan; Sarah McLellan, who is the wife of S. J. McLellan, and Susie McLellan, who is the widow of the deceased brother, Abner D. McLellan, and is the mother of Franklin McLellan and Abner D. McLellan.

The nations, however, contend that the plaintiffs, nor any of them, are descendants of either of the James Fosters who applied to Ward, the agent of the United States and signified their intention to remain and become citizens

of the State, in accordance with the 14th article of the Treaty of 1830.

The article of the treaty referred to is as follows:

"ARTICLE XIV. Each Choctaw head of a family desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the reatification of this Treaty, and he or she shall thereup on be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child who is living with him over ten years of age; and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

It would seem, by this article of the Treaty, that if a Choctaw Indian who was the head of a family desired to remain and become a citizen of one of the States, he should be permitted to do so by signifying his intention to the agent within six months after the ratification of the Treaty. Upon his doing this he was entitled to certain benefits, one of which was that he should not lose the privilege of a Choctaw citizen; but if he or his descendants ever removed they would not be entitled to any portion of the Choctaw annuity.

So the question in this case is, are the plaintiffs descendants of either of the James Fosters, who are shown by Ward's roll to have applied to the agent of the Government and signified their intentions to remain and become citizens of the States. There were, evidently, two James Fosters who did this: one of them had five children in 1831 under the age of ten years. This one could not have

been the ancestor of these applicants, for the testimony shows that the father of Dorothy McLellan, who was the mother of the principal applicant, had only four children. The other James Foster who seems to have complied with the 14th article of the Treaty of 1830, the record shows, had four children under the age of ten years when he applied to Agent Ward.

Ephriam Foster says that his father had four children, and lived and died in Holmes county, Mississippi, Ephriam being the youngest child, and was born in 1828, his sister Dorothy being the oldest. Witness further says that his father died when he was small; that he does not remember him, but has seen his name on Ward's roll, and that he applied for land under article 14 of the Treaty of 1830.

James A. McLellan testified that he has always been taught that the James Foster whose name appears on Ward's roll, is his grandfather.

Samuel McLellan testified to about the same facts, as did two or three other witnesses.

O P I N I O N.

It is a well known fact that it is hard to produce strictly competent evidence to establish facts with reference to transactions that took place over seventy years ago, and especially as to what Indians did or did not do as long ago as that; and particularly the names of Indians whom the present generation of Indians are descended from. These Indians seem to have been exceedingly derelict in keeping a record of their ancestors.

Many of these plaintiffs' relatives have been admitted by the Choctaw council, and several of their relatives have been admitted and enrolled by the Commission to the Five

Civilized Tribes, and the latter enrollments approved by the Secretary of the Interior, all of whom derive their Indian blood, if such they possess, from the same ancestry as do the plaintiffs in this case. While this is not binding upon this Court, still it is a circumstance showing that another tribunal, which is a quasi court, and a legislative body of the Indians, as well as the Secretary of the Interior, have decided that the ancestors of these plaintiffs were Choctaw Indians by blood, and as such entitled to citizenship and enrollment.

In view of all the evidence and the circumstances surrounding this case, I am of the opinion that the evidence is of sufficient strength to establish the fact that Dorothy Foster, the mother and grandmother of applicants, was a daughter of James Foster, who signified his intention to W. Ward, United States Agent, to remain in Mississippi and become a citizen of the States, according to article 14 of the Treaty of 1830, and who at that time had four children under ten years of age. The description of James Foster as shown by Ward's roll and the description given by witnesses in this case are the same.

I am, therefore, of the opinion that James A. McLellan, John F. McLellan, James C. McLellan, Robert D. McLellan, Wade H. McLellan, Joseph M. McLellan, John F. McLellan, Hattie McLellan, Abner D. McLellan, Jr., Adeline McLellan, Dolly McLellan, Wade McLellan, Samuel J. McLellan, Oma McLellan, Edmond McLellan, Mary McLellan, Samuel McLellan, Ollie McLellan, George McLellan, Susan McLellan and Franklin McLellan are members by blood of the Choctaw tribe of Indians; and that Mary M. A. McLellan, Kitty McLellan, Sarah McLellan and Susie McLellan are Choctaw Indians by intermarriage,

(The evidence shows that Abner D. McLellan, whose name appears in the judgment of the United States Court for the Central District of the Indian Territory, and also in the petition for appeal to this Court, is dead, but has a son, Abner D. McLellan, Jr., named above); and are each entitled to citizenship and enrollment as Choctaw Indians. A judgment of this Court will be entered accordingly.

SPENCER B. ADAMS,
Chief Judge.

We concur:

Walter L. Weaver,
Associate Judge.
Henry S. Foot,
Associate Judge.

Josie Davies, stenographer to the Commission to the Five Civilized Tribes, upon oath states, That the above and foregoing is a true and correct copy of Decree of Court in the case of James A. McLellan, et al., vs. the Choctaw and Chickasaw Nations, now on file with the Commission.

Josie Davies -

Subscribed and sworn to before me this 25th day of October, 1904.

Charles W. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application for the enrollment of
Annie C. Jones, et al., as citizens by blood of the Choctaw Nation,
and for identification as Mississippi Choctaws, M C R 6784.

---: D E C I S I O N :---

It appears from the census card record in this case that
on February 21, 1902, application was made for the enrollment of
Annie C. Jones and her three minor children, Maud, May and Leonard
H. Jones as citizens by blood of the Choctaw Nation.

It appears from the evidence herein that the principal
applicant, Annie C. Jones, was born in Bosque county, Texas, in 1868,
and that thereafter, in 1879, she, together with her parents, re-
moved to Carlsbad, New Mexico, where her father engaged in the cattle
business. In 1882, the principal applicant was married to William
J. Jones, a white man, whose residence and business interest were
located at Carlsbad, New Mexico. Thereafter, in 1888, the principal
applicant and her oldest child, Maud Jones, were admitted to Choctaw
citizenship by an Act of the Choctaw Council, approved November 5,
1888. Since the marriage of the principal applicant herein to

William J. Jones, up to and including September 25, 1902, she has continued to reside in New Mexico, having during said time visited the Territory but twice, the first time for a few months in 1896 and the second time for a short period in the spring of 1902. It is claimed on the part of the principal applicant that her father, since 1886, has, in her behalf, maintained improvements for her in the Chickasaw Nation.

It appears from the records in the possession of the Commission that the applicants, Annie C. Jones, Maud Jones and May Jones, are identified upon the 1896 Choctaw census roll, Chickasaw District, wherein said names appear opposite Nos. 7402, 7403 and 7404, respectively. Leonard H. Jones having been born subsequent to the preparation of the 1896 Choctaw Census Roll, is identified by proper proof of birth filed herewith.

It appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants have ever been admitted to Choctaw citizenship by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is the opinion of this Commission that following the ruling of the Department in the case of Olive B. Critz, et al., (I.T.D. 4370-1903), relative to the question of residence, Annie C. Jones, Maud Jones, May Jones and Leonard H. Jones are not, under the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495), entitled to enrollment as citizens by blood of the Choctaw Nation:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."

It appears, however, that subsequent to the application made for the enrollment of the above named applicants as citizens by blood of the Choctaw Nation, the principal applicant, Annie C. Jones, on February 26, 1903, appeared before this Commission and made application for the identification of herself and her three minor children, Maud, May and Leonard H. Jones, as Mississippi Choctaws, under the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of James (or Jim) Foster, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It appears from the evidence submitted in support of said application that all the applicants herein are lineal descendants of James (or Jim) Foster, an one-half blood Choctaw Indian, and a resident of Holmes county, Mississippi in 1860; that the said James (or Jim) Foster was the son of Mose Foster, a white man, and a full blood Indian woman; and that the said James (or Jim) Foster had, at

the date of the treaty of "Dancing Rabbit Creek," four children under ten years of age whose names are given as follows: Dorothy, James Madison, Ellen and Ephrian (the latter being at the present time a resident of the Chickasaw Nation and a recognized and enrolled citizen by blood of said nation). It further appears that James Foster died at Lexington, Mississippi a short time after the ratification of the treaty of "Dancing Rabbit Creek," and that thereafter his widow, together with her children, removed to Louisiana and after a residence there of a number of years, removed to Texas, from which State they removed to the Indian Territory.

There has been filed for record herein a certified copy of the decree and opinion in the Choctaw and Chickasaw Citizenship Court, sitting at South McAlester, Indian Territory, in the case of James A. McLellan vs. the Choctaw and Chickasaw Nations, South McAlester Case No.10, wherein certain relatives of the applicants herein, who are lineal descendants of Dorothy Foster, a daughter of James Foster, through whom the applicants herein claim, were adjudged citizens by blood of the Choctaw Nation and lineal descendants of James Foster.

It is found that the name James Foster appears on page 100 of Volume VII, American State Papers, Public Lands, in a "Register of Choctaw names as entered by the Agent previous to the 24th of August, 1801, who wished to become citizens according to a provision of the late treaty of 1730," as a half breed Choctaw Indian, having, at the date of the treaty, four children under ten years of age.

The evidence herein shows, beyond any doubt, that the James Foster who appeared before Colonel Ward and signified his intention to remain for the five years' stay and take lands under article fourteen of the treaty of eighteen hundred and thirty, and that

the applicants herein are his lineal descendants.

It is the opinion of this Commission that the evidence herein is sufficient to determine the identity of Annie C. Jones, Maud Jones, May Jones and Leonard H. Jones, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty.

It is therefore ordered that the application made for the enrollment of Annie C. Jones, Maud Jones, May Jones and Leonard H. Jones, as citizens by blood of the Choctaw Nation, should be denied, and that their application for identification as Mississippi Choctaws should be granted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.

Commissioner.


Commissioner.

Muskogee, Indian Territory,

JAN 10 1905

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 3, 1902.

.....
: Annie C. Jones, et al., :
: :
: vs. :
: :
: The Choctaw Nation. :
:

D-703.

In the matter of the application of Annie C. Jones for the enrollment of herself and her three minor children, Maud Jones, May Jones and Leonard H. Jones, as citizens by blood of the Choctaw Nation.

James M. Campbell, being first duly sworn, upon his oath testifies as follows.

Examination by the Commission.

- Q What is your name? A James M. Campbell.
Q What is your age, Mr. Campbell? A Fifty-four years old.
Q Where is your present post office address? A Minco.
Q Are you acquainted with Annie C. Jones? A Yes sir.
Q What is her age now, Mr. Campbell? A She was born in '68.
Q What relation if any is she to you? A My daughter.

Examination by A. Telle, Attorney.

- Q Where is Annie Jones at this time? A At this time she's in New Mexico.
Q She's in New Mexico? A Yes sir.
Q Why is she in New Mexico? A She has to stay there the most of her time on account of her health.
Q She has lung trouble, I believe? A Yes sir.
Q And it is for the purpose of keeping up her health or bettering her condition physically she is in New Mexico? A Yes sir.
Q I will ask you Mr. Campbell, where her regular home is? Her permanent home? A Up on my place there, joining my place.

(2).

- Q She has prepared a home there? A Yes sir, has two hundred and fifty acres in cultivation.
- Q And she has not moved out there in Mexico permanently? A No sir.
- Q I will ask you if she makes visits here as much as she is allowed? A Yes sir, through warm weather.
- Q Then it is her intention if her health improves to take up her permanent residence here and she is there only temporarily for her health? A Yes sir.
- Q I will ask you if she was admitted to citizenship in the Choctaw Nation at the same time the Campbell Foster case went through? A Yes sir, at the same time.
- Q This Annie Jones, Nee Campbell, age eighteen, and her husband, William Jones, twenty-five, and their daughter, Maud Jones, age two years old are the parties that were admitted and these are the identical persons that you are making this statement in regards to? A yes sir.

Re-examination by the Commission.

- Q Mr. Campbell, how long has your daughter been in New Mexico? A Well, she's been there ----let me see-----off and on for fourteen years.
- Q How long? A About fourteen years.
- Q About fourteen years? A I think it is, however, I wouldn't be positive. About that time.
- Q How often does she come back to the Territory? A Well, sometimes ----it has been-----she stayed there one time nearly five years.
- Q How long since she was here the last time? A I don't remember exactly, how long its been.
- Q Do you remember when she was here? A Yes sir, I remember but I don't remember the time just exactly.
- Q Was it last year or year before? A No, it wasn't; it's worse than that. It's been pretty near three years.
- Q Nearly three years? A Yes sir.
- Q Was she here when application was made for her in '98? A No sir/
- Q You made the application for her? A yes sir, I made the application for her.

By Mr. Telle.

The Commission understood the case and sent papers out there.

By the Commission.

- Q What is her trouble? Lung trouble? A Yes sir.

(3).

By the Commission.

This case will now be considered by the Commission upon the record as made.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 3rd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11 day of April, 1902.

Chas. Mitchell Wood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 16, 1902.

.....
:: In the matter of the application ::
:: of Annie C. Jones for the enroll- ::
:: ment of herself and her three minor ::
:: children, Maud Jones, May Jones, ::
:: and Leonard H. Jones as citizens ::
:: by blood of the Choctaw Nation. ::
.....

D-703

On the 5th day of March, 1902, the applicants were notified by registered mail and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Annie C. Jones for the enrollment of herself and children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 16th day of April, 1902, for final consideration.

Now on this 16th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicants appear by their attorney A. Telle, of Atoka, Indian Territory, and ask that the testimony of J. M. Campbell taken on the 3rd day of April, 1902, be considered as taken on this date in the above entitled cause.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 19 day of April, 1902.

Hal Belford

Warramitchell Wood

Notary Public.

70

(Copy)

-7-D-703-

TERRITORY OF NEW MEXICO,)
County of Eddy.) ss.
)

ANNIE C. JONES, being duly sworn, according to law, deposes and says that she is the same Annie C. Jones whose name appears on the census-roll of 1896 as a citizen of the Choctaw Nation, and the mother of Maud Jones and May Jones, whose names also appear on said rolls, and also the mother of Lenard H. Jones, aged 18 months. Deponent further says that she is the daughter of James M. Campbell, who is enrolled on the rolls of said Nation. That owing to her health and the fact that she is married and her husband's home and business is in the County of Eddy, Territory of New Mexico, she is unable, at this time, to make her home in said Nation; but she has a place improved, adjoining her father's land, and intends at some time to make it their home. Owing to the distance and the expense of the trip and the present state of my health, it will be impossible for me to appear before the Commission in person to make my application for enrollment. And also at the same time personally appeared James M. Campbell, father of Annie C. Jones and declared under oath that the above statement of Annie C. Jones are true.

(signed)

ANNIE C. JONES.

J. M. CAMPBELL.

Subscribed and sworn to before me this the 5th day of February, A. D. 1902.

(signed)

W. R. OWEN,
Probate Clerk.

(SEAL)

(Copy)

-7-D-703-

In the matter of the application of Annie C. Jones for the enrollment of herself and her three minor children, Maud, May and Leonard H. Jones as citizens of the Choctaw Nation.

Interrogatories to be propounded to Annie C. Jones.

What is your name? Annie C. Jones.

What is your age? 34 years, Aug. 8th, 1902.

What is your post-office address? Carlsbad.

How long have you been living in New Mexico? off and on for the past 20 years.

Where did you live prior to your residence in New Mexico? Texas
and Indian Territory.

How much Choctaw blood do you claim? 1/16 one-sixteenth.

Where were you born? Bosque County, Texas.

Have you been a bona fide resident of the Choctaw and Chickasaw Nations and if so, for how long? Yes, in 1896 and 1897, about 20 months

Do you now own any property in the Choctaw or Chickasaw Nations, Indian Territory? Yes, I have a farm adjoining father's place.

What is your father's name? James M. Campbell.

Is he living? Yes.

Is he a citizen by blood of the Choctaw Nation? Yes.

What is your mother's name? Jusan F. Campbell.

Is she living? Yes.

Is she a citizen by blood of the Choctaw Nation? By marriage.

Are you married? Yes.

What is your husband's name? William L. Jones.

Where did you marry him? In Co. Mexico.

Is he a white man or Choctaw Indian? white man.

Have you any children? Yes.

What are their names and ages? Maud Jones, aged 18, Feb'y 24, 1902, May Jones, aged 15, Nov. 5, 1901, and Lenard H. Jones, aged 19 months, Feb'y 23, 1902.

-

Do these children all live with you? Yes

Are they all at this time residents of New Mexico? Yes

Did these children remove to New Mexico with you? The children
were all born in New Mexico.

-

-

-

-

(signed)

ANNIE C. JONES.

-

Subscribed and sworn to before me this 17 day of Feb'y, 1902.

(signed)

W. R. OWEN,
Probate Clerk Eddy Co., N. M.

-Notary-public-

(SEAL)

(Copy)

-7-D-703-

In the matter of the application of Annie C. Jones for the enrollment of herself and her three minor children, Maud, May and Leonard H. Jones as citizens of the Choctaw Nation.

Interrogatories to be propounded to J. M. Campbell.

What is your name? James M. Campbell.

What is your age? 54 years.

What is your post-office address? Minco, Indian Territory.

Are you a citizen of the Choctaw Nation? Yes.

How did you become such citizen? By birth.

Have you always been recognized as a citizen of the Choctaw Nation by the tribal authorities? Yes.

Do you know Annie C. Jones? Yes.

What relation is Annie C. Jones to you? Daughter.

What is her mother's name? Susan F. Campbell.

Has Annie C. Jones been recognized and enrolled by the tribal authorities of the Choctaw Nation as a citizen of that Nation? Yes.

Has she drawn the payments of money made to the citizens of the Choctaw Nation? No.

Does Annie C. Jones own any property in either the Choctaw or Chickasaw Nations, Indian Territory? Yes, in Chickasaw Nation.

Is she married? Yes.

What is her husband's name? William L. Jones.

Is he a white man? Yes.

Has Annie C. Jones any children? Yes: three.

What are their names and ages? Maud Jones, 18; Feb 24, 1902; May Jones, 15; Nov. 1901; Leonard H. Jones, 19 months, Feb. 23, 1902.

Do these children live with her? Yes.

If Annie C. Jones and these children are now residents of New Mexico, state what their residence there consists of and their reasons, if any, for not now maintaining a bona fide residence in the Choctaw-Chickasaw country, Indian Territory? _____

_____ -- Ranch house and Ranch property. Cattle and horses on the open range in Eddy County, New Mexico; and their reason for not maintaining a residence in the Indian Territory is on account of her health and her husband being engaged in the stock business in New Mexico.

(signed)

JAMES M. CAMPBELL.

Subscribed and sworn to before me this 17 day of Feb'y, 1902.

(signed)

W. R. OWEN,

Probate Clerk Eddy Co., New Mexico.

~~Notary Public.~~

(SEAL)

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-7-D-703-

(Copy)

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,

of Lenard H. Jones, born on the 23 day of July, 1900
(Here insert name of child.)

Name of Father: William M. Jones a citizen of the Nation.

Name of Mother: Annie C. Jones a citizen of the Choctaw Nation.

Post-office Carlsbad, New Mexico.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.Territory of New Mexico,
County of Eddy. ss.

I, Annie C. Jones, on oath state that I am 34, Aug. 8, 1902 years of age and a citizen, by blood, of the Choctaw Nation; that I am the lawful wife of William M. Jones, who is a citizen, by of the Nation; that a male child was born to me on 23 day of July, 1902; that said child has been named Lenard H. Jones, and is now living.

WITNESSES TO MARK: (signed) Annie C. Jones.

(Must be Two Witnesses.)

Subscribed and sworn to before me this 17 day of Feb'y 1902.

(SEAL) (signed) W. R. Owen, Probate Clerk.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District,Territory of New Mexico,
County of Eddy. ss.

I, Barbara Jones, a nurse, on oath state that I attended on Mrs. Annie C. Jones, wife of William M. Jones on the 23 day of July, 1900; that there was born to her on said date a male child; that said child is now living and is said to have been named Lenard H. Jones.

WITNESSES TO MARK: (signed) Barbara (her x mark) Jones.

(Must be Two Witnesses.)

W. R. Owen.

J. M. Kayser.

Subscribed and sworn to before me this 17 day of Feb'y 1902.

(SEAL)

(signed) W. R. Owen, Probate Clerk.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON I. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

OFFER IN REPLY TO THE FOLLOWING

Choctaw D-703

Muskogee, Indian Territory, March 5, 1902.

Annie C. Jones,

Carlsbad, New Mexico.

You are hereby notified that the application of yourself and your minor children, Maud, May and Leonard H. Jones, for enrollment as citizens of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 16th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles,

Commissioner in Charge.

Register/

4

D-703.

James M. Campbell, being first duly sworn, upon his oath testifies as follows.

Q What is your name? A James M. Campbell.
Q What is your age, Mr. Campbell? A Fifty-four years old.
Q Where is your present post office address? A Mincee.
Q Are you acquainted with Annie C. Jones? A Yes sir.
Q What is her age now, Mr. Campbell? A She was born in '68.
Q What relation if any is she to you? A My daughter.

Q There is Annie Jones at this time? A At this time she's in New Mexico.

Q She's in New Mexico? A Yes sir.

Q Why is she in New Mexico? A She has to stay there the most of her time on account of her health.

Q She has lung trouble, I believe? A Yes sir.

Q And it is for the purpose of keeping up her health or bettering her condition physically she is in New Mexico? A Yes sir.

Q I will ask you Mr. Campbell, where her regular home is? Her permanent home? A Up on my place there, joining my place.

(2).

- Q She has prepared a home there? A Yes sir, has two hundred and fifty acres in cultivation.
- Q And she has not moved out there in Mexico permanently? A No sir.
- Q I will ask you if she makes visits here as much as she is allowed? A Yes sir, through warm weather.
- Q Then it is her intention if her health improves to take up her permanent residence here and she is there only temporarily for her health? A Yes sir.
- Q I will ask you if she was admitted to citizenship in the Choctaw Nation at the same time the Campbell Foster case went through? A Yes sir, at the same time.
- Q This Annie Jones, Nees Campbell, age eighteen, and her husband, William Jones, twenty-five, and their daughter, Maud Jones, age two years old are the parties that were admitted and these are the identical persons that you are making this statement in regards to? A yes sir.

Re-examination by the Commission.

- Q Mr. Campbell, how long has your daughter been in New Mexico? A Well, she's been there ----let me see-----off and on for fourteen years.
- Q How long? A About fourteen years.
- Q About fourteen years? A I think it is, however, I wouldn't be positive. About that time.
- Q How often does she come back to the Territory? A Well, sometimes ----it has been-----she stayed there one time nearly five years.
- Q How long since she was here the last time? A I don't remember exactly, how long its been.
- Q Do you remember when she was here? A Yes sir, I remember but I don't remember the time just exactly.
- Q Was it last year or year before? A No, it wasn't; it's worse than that. It's been pretty near three years.
- Q Nearly three years? A Yes sir.
- Q Was she here when application was made for her in '98? A No sir/
- Q You made the application for her? A yes sir, I made the application for her.

By Mr. Telle.

The Commission understood the case and sent papers out there.

By the Commission.

- Q What is her trouble? Lung trouble? A Yes sir.

(2).

By the Commission.

This case will now be considered by the Commission upon the record as made.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on the 3rd day of April, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 11 day of April, 1902.

Wm. Mitchell Wood

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, April 16, 1902.

.....
:: In the matter of the application ::
:: of Annie C. Jones for the enroll- ::
:: ment of herself and her three minor ::
:: children, Maud Jones, May Jones, ::
:: and Leonard H. Jones as citizens ::
:: by blood of the Choctaw Nation. ::
.....

D-703

On the 5th day of March, 1902, the applicants were notified by registered mail and on the 6th day of March, 1902, the attorneys for the Choctaw and Chickasaw Nations were also notified by registered mail that the application of Annie C. Jones for the enrollment of herself and children as citizens of the Choctaw Nation would be taken up by the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, on the 16th day of April, 1902, for final consideration.

Now on this 16th day of April, 1902, this cause coming on to be heard pursuant to said notice, the Choctaw Nation failed to appear, and the applicants appear by their attorney A. Telle, of Atoka, Indian Territory, and ask that the testimony of J. M. Campbell taken on the 3rd day of April, 1902, be considered as taken on this date in the above entitled cause.

-----:-----

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on April 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said day of April, 1902.

Subscribed and sworn to before me this 19 day of April, 1902.

Hal Belford

Wm. M. Hilliard

Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.
—
ALLISON L. AYLESWORTH,
SECRETARY.

Wm. O. B.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 18, 1902.

J. M. Campbell,

Minco, Indian Territory.

Sir:

The names of Annie C. Jones, twenty-six years of age, Maud Jones, ten years of age and May Jones, seven years of age, are found on the 1896 Choctaw census roll, but it does not appear that any application for their enrollment has ever been made to this Commission.

You are kindly requested to answer the questions below at your earliest convenience and return this letter in the enclosed envelope which requires no postage.

Yours truly,

Env.
Choc-Del.

T. B. Needles
Commissioner in Charge.

Q Do you know the persons named above? A Yes

Q Are they related to you? A Yes

Q If so how? A I am the father of Annie C. Jones. Maud Jones and May Jones are my grand children. Children of Annie C. Jones.

Q Can you give the post office address of Annie C. Jones? A
Carlsbad, New Mexico; Her farm is 6 mi east of Minco, I. Ty.

Q If you are unable to give the information requested can you state the name of some person who can do so?

J. M. Campbell.

COPY

Muskogee, Indian Territory, January 28, 1902.

Mrs. Annie C. Jones,
Carlsbad, New Mexico.

Dear Madam:

The Commission finds upon the 1896 census roll of the citizens of the Choctaw Nation, the names of Annie C. Jones, 26 years of age, Maud Jones, 10 years of age and May Jones, 7 years of age and has been informed that you are the person appearing upon such roll under the name of Annie C. Jones but it does not appear that any application has ever been made to this Commission for the enrollment of yourself and Maud and May Jones as citizens of the Choctaw Nation and it would be advisable that if you anticipate making any application for the enrollment of yourself or your children that you do so at as early a date as practicable.

This matter should receive your early consideration as the Commission is now preparing for submission to the Secretary of the Interior for his approval, the final roll of citizens of the Choctaw Nation and the allotment of the lands of the Choctaw-Chickasaw country will be made to those citizens whose names appear upon such roll as finally approved.

Mrs A C J 2

It will be necessary for you to personally make application to the Commission so that an examination under oath may be had upon which the rights of yourself and children to enrollment may be determined. You will be allowed upon such personal appearance to make application for your minor unmarried children.

Yours truly,

(Signed) Tams Bixby

Acting Chairman

Choc. Del.

Muskogee, Indian Territory, February 10, 1902.

Mrs. Annie C. Jones,

Carlsbad, New Mexico.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 5th instant, relative to the enrollment of yourself and children as citizens of the Choctaw Nation and in which you enclose the joint affidavit of yourself and your father, J. M. Campbell.

There are enclosed you herewith interrogatories prepared for yourself and your father, J. M. Campbell, which you are both requested to properly answer and swear to and return to the Commission, when the matter of the enrollment of yourself and your children will receive proper consideration.

The joint affidavit submitted in your letter of the 5th instant, is also returned herewith and should be resubmitted by you with the interrogatories and answers.

For the purpose of making a record of the application of your child, Leonard K. Jones, there is enclosed you herewith a blank application for the enrollment of an infant child. In having the same executed, be careful to see that all blanks are properly filled, all names written in full, and in event either of the

Mrs. A. C. J. 2

persons whose names are to be affixed to the affidavits are unable to write and their signatures are by mark, that such signatures be attested by two disinterested parties, witnesses thereto.

The notary public before whom the acknowledgments of the mother and the attending physician or nurse are made must affix his notarial jurat and seal to each separate affidavit.

Yours truly,

Commissioner in Charge.

Enc Y 198

BC

Muskogee, Indian Territory, February 21, 1902.

Annie C. Jones,

Carlsbad, New Mexico,

Dear Madam:

Receipt is hereby acknowledged of the affidavit of Annie C. Jones and interrogatories propounded to Annie C. Jones and James M. Campbell, together with answers thereto, and evidence of the birth of Leonard H. Jones, infant son of Annie C. and William M. Jones, born July 23, 1900, in the matter of your application for the enrollment of yourself and your three minor children as citizens by blood of the Choctaw Nation.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MADE IN REPLY TO THE FOLLOWING.

Choctaw D-703.

Muskogee, Indian Territory, March 3, 1902.

Annie C. Jones,
Carlsbad, New Mexico.

You are hereby notified that the application of yourself
and your minor children, Maud, May and Leonard H. Jones,
for enrollment as citizen^s of the Choctaw Nation will be taken
up for final consideration by the Commission to the Five Civil-
ized Tribes, at its office in Muskogee, Indian Territory, on
the 16th day of April, 1902.

On said date you may, if you desire, appear before the Commis-
sion in person or by attorney when an opportunity will be given
you to introduce any additional testimony affecting said appli-
cation which you may think proper or necessary.

You are further notified that the representatives of the
Choctaw Nation will also, at the same time, be afforded an op-
portunity to introduce testimony affecting your right to en-
rollment, but said representatives will be required to notify
you of their intention to introduce such testimony before they
will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Reg-1111.

7

Commissioner in Charge.

Muskogee, Indian Territory, January 24, 1903.

William M. Jones,
Carlsbad, New Mexico.

Dear Sir:

It appears from the records of the Commission that on February 21, 1902, application was made to the Commission for the enrollment of yourself as a citizen by intermarriage, and of your wife, Annie C. Jones, and of your three minor children, Maud, May and Leonard H. Jones, as citizens by blood of the Choctaw Nation.

It does not appear that any application has ever been made to the Commission for the identification of your wife and children as Mississippi Choctaws. The authority vested in the Commission to determine the identity of so-called Mississippi Choctaws is contained in the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary there-to and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

William M. Jones, 2.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the rights of persons to be identified as Mississippi Choctaws, requires that applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.' "

It would, therefore, be necessary, in order for the applicants to obtain rights as Mississippi Choctaws, under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that their ancestors who were living at the date of the conclusion of the treaty of 1830 were beneficiaries under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants who are over twenty-one years of age, or who are married, must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their cases. Parents and guardians may apply for their children and wards.

The act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

If it is your desire and intention to make application to this Commission for the identification of your wife and children as descendants of a Choctaw Indian who complied or attempted to comply with the said fourteenth article of the treaty of 1830,

William M. Jones, 4.

under the provisions of law above quoted, it will be necessary for your wife to appear in person before the Commission for examination as to said rights. She will be allowed thirty days from this date within which to make such application, at the end of which time, if no such appearance is made, the Commission will then proceed to determine the rights of yourself and family to enrollment as citizens of the Choctaw Nation on the record as now made.

Respectfully,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, January 24, 1903.

William M. Jones,
Carlsbad, New Mexico.

Dear Sir:

It appears from the records of the Commission that on February 21, 1902, application was made to the Commission for the enrollment of yourself as a citizen by intermarriage, and of your wife, Annie C. Jones, and of your three minor children, Maud, May and Leonard H. Jones, as citizens by blood of the Choctaw Nation.

It does not appear that any application has ever been made to the Commission for the identification of your wife and children as Mississippi Choctaws. The authority vested in the Commission to determine the identity of so-called Mississippi Choctaws is contained in the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

William M. Jones, 2.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the rights of persons to be identified as Mississippi Choctaws, requires that applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 23, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.' "

It would, therefore, be necessary, in order for the applicants to obtain rights as Mississippi Choctaws, under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that their ancestors who were living at the date of the conclusion of the treaty of 1830 were beneficiaries under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants who are over twenty-one years of age, or who are married, must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their cases. Parents and guardians may apply for their children and wards.

The act of Congress approved July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

If it is your desire and intention to make application to this Commission for the identification of your wife and children as descendants of a Choctaw Indian who complied or attempted to comply with the said fourteenth article of the treaty of 1830,

William M. Jones, 4.

under the provisions of law above quoted, it will be necessary for your wife to appear in person before the Commission for examination as to said rights. She will be allowed thirty days from this date within which to make such application, at the end of which time, if no such appearance is made, the Commission will then proceed to determine the rights of yourself and family to enrollment as citizens of the Choctaw Nation on the record as now made.

Respectfully,

Commissioner in Charge.

Registered.

7-D-703

Muskogee, Indian Territory, February 13, 1903.

Annie C. Jones,
Carlsbad, New Mexico.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 4th instant, relative to your application for enrollment as a citizen by blood of the Choctaw Nation.

In reply to your letter you are informed that Mr. Alington Telle, of Atoka, Indian Territory, called at the office of the Commission on the 11th instant and examined the record in your case, and stated he would write you fully in regard thereto.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 16, 1903.

William M. Jones,

Carlsbad, New Mexico.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, relative to communication sent to you by the Commission on January 24, 1903, and asking if your wife cannot fill out affidavits and send them to the Commission in lieu of her personal appearance.

In reply you are advised that it appears from the records of the Commission that your wife, Annie C. Jones, and your three minor children, Maud, May and Leonard H. Jones, are applicants for enrollment as citizens by blood of the Cheetaw Nation and you are an applicant for enrollment as a citizen by intermarriage of the Cheetaw Nation.

The letter of the Commission above referred to was sent to you for the purpose of giving your wife an opportunity, if she so desired, of making application to the Commission for enrollment as a so-called Mississippi Cheetaw. If she desires to make such application it will be necessary for her to appear in person before the Commission and reasonably demonstrate that she is the descendant of a Cheetaw Indian who resided in the old Cheetaw Nation in Mississippi and Alabama in 1880 and who complied or attempted to comply with the

William M. Jones-2

provisions of article fourteen of the treaty of 1830 between the United States and the Choctaw Nation. It was explained to you in the letter of the Commission of the 14th ultimo just what was necessary for your wife to prove in order to be identified as a so-called Mississippi Choctaw, and unless she can make such proof it will be needless for her to appear before the Commission and the rights of yourself and your family will be determined upon the record as now made.

The recent agreement between the United States and the Choctaw and Chickasaw Nations, which was ratified by said nations on September 25, 1902, gives the Commission authority to receive the applications of persons for identification as Mississippi Choctaws within six months after the date of the final ratification of the agreement. This time expires on the 25th day of March, 1903, and if your wife desires to make application under this provision of law she can appear before the Commission any time prior to the date mentioned.

Respectfully,

Acting Chairman.

Choctaw D-703

Muskogee, Indian Territory, February 16, 1903.

William M. Jones,
Carlsbad, New Mexico.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, relative to communication sent to you by the Commission on January 24, 1903, and asking if your wife cannot fill out affidavits and send them to the Commission in lieu of her personal appearance.

In reply you are advised that it appears from the records of the Commission that your wife, Annie C. Jones, and your three minor children, Maud, May and Leonard H. Jones, are applicants for enrollment as citizens by blood of the Choctaw Nation and you are an applicant for enrollment as a citizen by intermarriage of the Choctaw Nation.

The letter of the Commission above referred to was sent to you for the purpose of giving your wife an opportunity, if she so desired, of making application to the Commission for enrollment as a so-called Mississippi Choctaw. If she desires to make such application it will be necessary for her to appear in person before the Commission and reasonably demonstrate that she is the descendant of a Choctaw Indian who resided in the old Choctaw Nation in Mississippi and Alabama in 1860 and who complied or attempted to comply with the

William M. Jones-2

provisions of article fourteen of the treaty of 1830 between the United States and the Choctaw Nation. It was explained to you in the letter of the Commission of the 14th ultimo just what was necessary for your wife to prove in order to be identified as a so-called Mississippi Choctaw, and unless she can make such proof it will be needless for her to appear before the Commission and the rights of yourself and your family will be determined upon the record as now made.

The recent agreement between the United States and the Choctaw and Chickasaw Nations, which was ratified by said nations on September 25, 1902, gives the Commission authority to receive the applications of persons for identification as Mississippi Choctaws within six months after the date of the final ratification of the agreement. This time expires on the 25th day of March, 1903, and if your wife desires to make application under this provision of law she can appear before the Commission any time prior to the date mentioned.

Respectfully,

Acting Chairman.

Muskogee, I.T. May 12, 1903/

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in each of the following Mississippi Choctaw
cases:

Mary E. Moore,
Andrew J. Woodcock,
Annie C. Jones,
Amanda E. Wampler,
Sarah Pearl Snyder,

M.C.R. 6085
M.C.R. 6606
M.C.R. 6784 ✓
M.C.R. 7056
M.C.R. 7364

MANFELD? MCMURRY & CORNISH.



M C R 6784

COPY.

Muskogee, Indian Territory, January 10, 1905.

Annie C. Jones,
Carlsbad, New Mexico.

Dear Madam:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 10, 1905, identifying you and your three minor children, Maud Jones, May Jones and Leonard H. Jones, as Mississippi Choctaws.

The attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days from this date within which to file protest against the action of the Commission in identifying you and your children as Mississippi Choctaws. If at the expiration of said time no protest has been filed, your names will be placed upon a schedule of duly identified Mississippi Choctaws to be forwarded to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

Tamr Bixby

Chairman.

Registered.

Encl. M C R 6784

COPY:

Muskogee, Indian Territory, January 10, 1905.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

You are hereby notified that on January 10, 1905, the Commission to the Five Civilized Tribes rendered a decision identifying Annie C. Jones and her three minor children, Maud Jones, May Jones and Leonard H. Jones, as Mississippi Choctaws.

The attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days from this date within which to file protest against the action of the Commission in identifying the above named persons as Mississippi Choctaws. If at the expiration of said time no protest has been filed, these named will be placed upon a schedule of duly identified Mississippi Choctaws to be forwarded to the Secretary of the Interior for his approval.

Respectfully,

SIGNED *Tamr Bixby*

Registered.

Chairman.

COPY.

Muskogee, Indian Territory, January 10, 1905.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered January 10, 1905, identifying Annie C. Jones and her three minor children, Maud Jones, May Jones and Leonard H. Jones, as Mississippi Choctaws.

You will be allowed fifteen days from the date of this decision within which to file protest against the action of the Commission in identifying the above named persons. If at the expiration of said time no protest has been filed, these names will then be placed upon a schedule of duly identified Mississippi Choctaws to be forwarded to the Secretary of the Interior for his approval.

Respectfully,

Tama Bibby

Chairman.

Registered.

Encl. M C R 6784

COPY.

M C R 6784

Muskogee, Indian Territory, January 10, 1905.

Chillion Riley,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that on January 10, 1905, the Commission to the Five Civilized Tribes rendered a decision identifying Annie C. Jones and her three minor children, Maud Jones, May Jones and Leonard H. Jones, as Mississippi Choctaws.

The attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days from this date within which to file protest against the action of the Commission in identifying the above named persons as Mississippi Choctaws. If at the expiration of said time no protest has been filed, these names will be placed upon a schedule of duly identified Mississippi Choctaws to be forwarded to the Secretary of the Interior for his approval.

Respectfully,

(SIGNED)

James D. Kirby

Chairman.

Registered.

M C R 6784

Muskogee, Indian Territory, January 30, 1905.

Annie C. Jones,
Carlsbad, New Mexico.

Dear Madam:

No protest having been filed by the attorneys for the Choctaw and Chickasaw Nations against the action of the Commission in identifying you and your three minor children on January 10, 1905, as Mississippi Choctaws, your names have now been placed upon a schedule of duly identified Mississippi Choctaws to be submitted to the Secretary of the Interior for approval. When such schedule is returned to this office approved, you will be promptly notified thereof. You may then appear at either the Choctaw or Chickasaw land office, submit proof of your removal to and settlement within the Choctaw-Chickasaw country and make selection of allotment.

Respectfully,

Chairman.

Muskogee, Indian Territory, February 9, 1906.

Annie C. Jones,

Carlsbad, New Mexico.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 31st ultimo, acknowledging receipt of our communication to you under date of January 10th, in which you were notified that you and your three minor children, Maud, May and Leonard H. Jones, were identified by the Commission on that date as Mississippi Choctaws.

You ask if it is necessary for you to live in the Choctaw-Chickasaw country in order to acquire title to the land, and state that it is impossible for you to live continuously in the Indian territory on account of your health.

In reply your attention is invited to the 41st and 42nd sections of the Act of Congress approved July 1, 1902 (32 Stats., 641), as follows:

Sec. 41. "All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 498), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for

A C J 2

citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior....."

Sec. 42. "When any such Mississippi Choctaw shall have in good faith continuously resided upon the lands of the Choctaw and Chickasaw nations for a period of three years, including his residence thereon before and after such enrollment, he shall, upon due proof of such continuous bona fide residence, made in such manner and before such officer as may be designated by the Secretary of the Interior, receive a patent for his allotment, as provided in the Atoka agreement, and he shall hold the lands allotted to him as provided in this agreement for citizens of the Choctaw and Chickasaw nations."

Respectfully,

Chairman.

M C R 6784

Muskogee, Indian Territory, February 28, 1905.

Bond & Melton,

Attorneys at Law,

Chickasha, Indian Territory.

Gentlemen:

You are hereby notified that the schedule of duly identified Mississippi Choctaws containing the names of the persons included in the ~~Mississippi~~ Choctaw case of Annie C. Jones, et al. was approved by the Department on February 21, 1905. These persons may now appear at either the Choctaw or Chickasaw Land Office and make selection of their allotments.

Respectfully,

Commissioner in Charge.

M C R 6784

Muskogee, Indian Territory, February 28, 1905.

Annie C. Jones,
Carlsbad, New Mexico.

Dear Madam:

You are hereby notified that the schedule of duly identified Mississippi Choctaws containing the names of yourself and children was approved by the Secretary of the Interior on February 21, 1905, and you may now appear at either the Choctaw or Chickasaw Land Office and make selection of allotment for yourself and children, first submitting satisfactory proof of the removal to and settlement within the Choctaw-Chickasaw country of yourself and children.

Respectfully,

Commissioner in Charge.

M C R 6784

Muskogee, Indian Territory, February 28, 1905.

Chilion Riley,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that the schedule of duly identified Mississippi Choctaws containing the names of the persons included in the Mississippi Choctaw case of Annie C. Jones, et al. was approved by the Secretary of the Interior on February 21, 1905. These persons may now appear at either the Choctaw or Chickasaw Land Office and make selection of their allotments.

Respectfully,

Commissioner in Charge.

CHOCTAW.

20

IN RE

Application for Enrollment of

INFANT CHILD

Leonard N. Jones.

as a citizen of

Choctaw Nation.

Approved *[Signature]* FEB 21 1902 190

[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
FEB 21 1902

[Signature]
A. A. RMAN

Miss

6784

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Choctaw Nation,
 of Leonard H. Jones, born on the 23 day of July, 1900
 (Here insert name of child.)
 Name of Father: William M. Jones a citizen of the _____ Nation.
 Name of Mother: Annie C. Jones a citizen of the Choctaw Nation.
 Post-office Charlbad New Mexico

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY

District.

Territory of New Mexico
County of Eddy } SS

I, Annie C. Jones, on oath state that I am 34 years of age and a citizen, by Blood, of the Choctaw Nation;
 that I am the lawful wife of William M. Jones, who is a citizen, by _____, of the _____ Nation; that a male child was
 (male or female.)
 born to me on 23 day of July, 1902; that said child has been
 named Leonard H. Jones, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Annie C. Jones

Subscribed and sworn to before me this

day of

July1902

W. C. Probst
 NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
 INDIAN TERRITORY,

District.

Territory of New Mexico
County of Eddy } SS

I, Barbara Jones, a Miss, on oath state that I
 attended on Mrs. Annie C. Jones, wife of William M. Jones
 on the 23 day of July, 1900; that there was born to her on
 said date a male child; that said child is now living and is said to have been
 (male or female.)
 named Leonard H. Jones.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Barbara Jones

Subscribed and sworn to before me this

day of

July1902

W. C. Probst
 NOTARY PUBLIC.

Territory of New Mexico } ss
County of Eddy

Annie L. Jones, being duly sworn according to law, deposes and says that she is the same Annie L. Jones whose name appears on the census roll of 1896 as a citizen of the Choctaw Nation, and the mother of Grand Jones and Mary Jones, whose names also appear on said rolls, and is also the mother of Leonard L. Jones aged 18 months. deponent further says that she is the daughter of James W. Campbell, who is enrolled on the rolls of said Nation, that owing to her health and the fact that she is married and her husband's home and business is in the County of Eddy, Territory of New Mexico, she is unable at this time to make her home in said Nation, but she has a place improved adjoining her father's land, and intends at some time to make it her home, owing to the distance and the expense of the trip and the present state of my health it will be impossible for me to appear before the commission in person to make my application for enrollment and also at the same time personally appear and James W. Campbell, Father of Annie L. Jones, and do and undertake that the above statement of Annie L. Jones are true

Annie L. Jones

J. W. Campbell

Subscribed and sworn to before me this 5th day of February, 1902

J. H. Allen

Notary Public

Handwritten text, possibly a signature or title, located at the top of the page.

Mose Foster
Foster of

James Foster 1/2

Hugh Allen Foster

William Foster

John Foster

Mose Foster

Foster (F)
married
Jacobs

James Madison Foster

Ellen Foster 1/2 II

married
Lee J. Campbell, II

Dorothy Foster

Chor
D-93
Ephraim Foster.

Chor
D-100

James M. Campbell L
wife
Susan Frances Campbell

Chor
7056

Amanda L Campbell
married
at 2/18

Tom Lenoche (or Linnochon)
George W. Wampler

Chor
D-101

Jane Campbell
married
Kirkendall

Dorothy Campbell II

married
Tom Snider

Chor
6784

Annie C Campbell, 35 1/2
married
William M. Jones, w

Chor
7074

Victoria Linnochon, 22 1/2
married
Nwt. Stafford, II
Joe M. Smith,

Chor
7056

Campbell Lenoche, 19
George W. Wampler, 12
John Wampler, 9
Daniel Edger Wampler, 6

Chor

Sarah Pearl Snider 11
Esther D. Snider, 15
Beulah Lee Snider, 12.

Chor
6784

Maud Jones, 19
May Jones, 16
Leonard H. Jones, 1

Chor
7074

Innie Stafford, 5

6784

No. 6784

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 25 1903

Name Annie C. Jones

Age 35

Blood

1/16

Post Office, Carlsbad, N. M. ^{Exico}

Father: J. M. Campbell, l.

Susan

Mother: Frances " l.

Claims through father 1/8

Husband.

William M. Jones, l. w.

No claim for husband

Children:

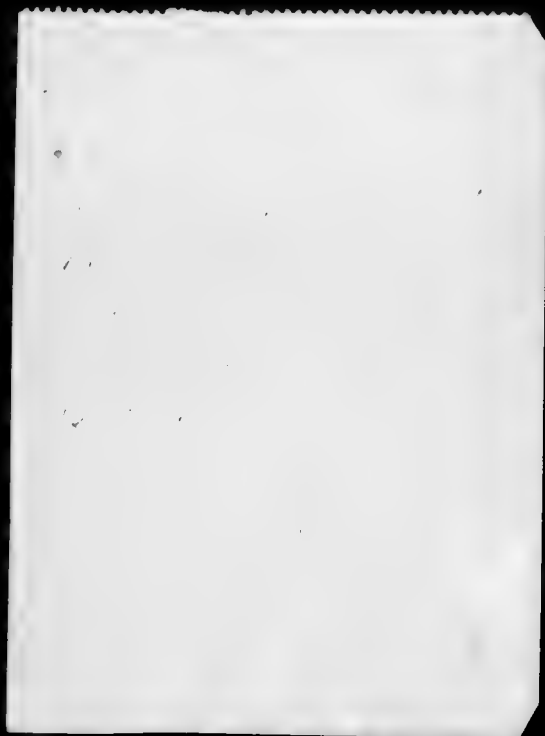
Maud Jones. 19

May " 16

Leonard H. ... 2

Claims for
self & 3 minors

Micrographers clear mistake Wm



100

Choctaw MQR 6785

Henry T. Owens

MQR 6785

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Henry T. Owens, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Henry T. Owens, et al., M.C.R. 6785
William Eli Owens, M.C.R. 7361

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

	(Page)
Original application of Henry T. Owens, et al., to the Daves Commission for identification as Mississippi Choctaws-----	1
Affidavit of L. V. Davenport-----	6
Affidavit of M. D. Brown-----	7
Affidavit of Hattie A. Owens-----	8
Original application of William Eli Owens, to the Daves Commission for identification as a Mississippi Choctaw-----	9
Affidavit of Hattie A. Owens-----	14
Decision of the Commission refusing the applications to the above consolidated case for identification-----	18.

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 27, 1903.

In the matter of the application of Henry T. Owens for the identification of himself and his minor children Robert C., Rose and Armstead Owens as Mississippi Choctaws.

Henry T. Owens being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A H. T. Owens.
Q What does the "H" stand for? A Henry.
Q What is your age? A Fifty five.
Q What is your post office address? A Beverly Arkansas.
Q How long have you lived at Beverly? A About seven years.
Q How long in Arkansas. A I came here in January seventy five.
Q To Arkansas? A Yes sir.
Q From what state? A From Texas.
Q How long did you live in Texas? A Seven years.
Q Where did you live before you went to Texas? A Louisiana.
Q Were you born there? A Yes sir.
Q At what place did you live in Louisiana? A Farmersville, Union parish.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Eli Owens.
Q What was your mother's name - her Christian name? A Piano.
Q Do you claim your Choctaw blood through your father or mother? A Father.
Q How much do you claim? A I claim one eighth.
Q Was he one fourth Choctaw blood? A That's what he claimed.
Q Has your father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I think not sir.
Q Do you know when he was married to your mother? A No sir.
Q I do not.
Q Do you know where they were married? A They were married in Georgia, I think, I won't be positive but to the best of my recollection.
Q Have you the proof of that marriage with you now? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her race? A She's considered a white woman, but they claim - the old ones claim to be a relative of Pocahontas; that's as far.
Q You don't claim any Choctaw blood for her then? A No sir.
Q What is her name? A Hattie Owens.
Q Give me the names of your children beginning with the oldest under age and unmarried. A R. C. Owens.
Q What does the "R" stand for? A Robert.
Q How old is he? A Twenty years old.
Q What is the name of the next one? A Rose.
Q How old is she? A She's seventeen.
Q The next one? A Her name is Armstead.
Q Boy or girl? A It's a girl.
Q How old? A Fifteen.
Q You claim for yourself and three children? A Yes sir.

- Q Is your wife Hattie the mother of these children? A yessir.
- Q Are you and your wife living together as husband and wife and are these children living with you at your home? Yes sir.
- Q Have you the proof of your marriage with your wife with you now? A No sir I have it at home.
- Q When were you married to her and where? A I was married to her in -- I think it was seventy six; the 22nd day of October
- Q By a minister? A Yes sir Reverend Conkill of Charleston.
- Q At what place? A Charleston.
- Q In what state? A Arkansas.
- Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not as I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir I have not.
- Q Have you ever made any application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under act of Congress of June 10, 1896? A I have not
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir; now right there, Colonel, I've got a son lives at Stigler and he married an Indian widow and she's a white woman she claims but she was an Indian widow and if that has anything to do with the question--
- Q No.
- A Then I have not.
- Q Do you come before the Commission at this time to identify yourself and these minor children as Mississippi Choctaws?
- A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830 or don't you understand that article? A I don't understand that article.
- Q Did you ever hear about it? A I've heard something about it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year; the object of the treaty on the part of the government was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those Indians who stayed back in that old Choctaw Nation article fourteen was drafted and put into the treaty of 1830; an article in a treaty is one of its paragraphs or sections or subdivisions; now this article fourteen under which you are claiming today is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half

that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir I do not.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A I cant go further back than my own father.
- Q Cant you go back further than your father? A No sir I cannot.
- Q Eli Owens? A Eli Owens.
- Q You dont know about his father or mother? A No sir I never seen either of them.
- Q How old would Eli Owens be if living now? A He would be -- he was born in '12.
- Q 1812? A Yes sir.
- Q He would be about ninety one years old if living now?
- A Yes sir.
- Q When was he born? A I think he was born in Georgia, the best I can recollect. I wont be positive.
- Q Did he go from Georgia to Mississippi? A I dont really know.
- Q Did he ever live in Mississippi? A I cant say that positively.
- Q Can you give the name of any Choctaw ancestor of yours who lived in the state of Mississippi - who lived there in 1830 and had a family there then? A No sir I cannot.
- Q Can you give the name of any Choctaw ancestor who ever lived in Mississippi or Alabama? A Only one they called Jim Boy, is the only one.
- Q Was it Jim Boy? A Yes sir, he was some chief or officer of the tribe at that time.
- Q What relation was he to you? A I cant tell you.
- Q How much Choctaw blood did your father Eli Owens have?
- A One fourth.
- Q You dont know whether he got it from his father or mother?
- A No sir I dont.
- Q Did your father or any Choctaw ancestor of yours go to the United States Indian agent Colonel Ward within six months after the treaty of 1830 was ratified and tell him that he wanted to stay in Mississippi take land and become a citizen of the states. A Cant tell you that either.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation either in Mississippi or Alabama five years after the treaty of 1830 was ratified and then get a patent to that land from the government? That's something else I cant answer.
- Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830?
- A I cant answer that.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838?
- A I cant answer that.
- Q Or at any time

the treaty of 1830 and the date of this application made by you today? A I don't know.

- Q You understand Mr. Owens that it will be necessary for you to show not only that you have Choctaw blood but that your Choctaw ancestor whoever that ancestor may be lived in Mississippi or the state of Alabama in what was known as the old Choctaw Nation and that they lived there in 1830 and had a family there at that time and complied with article fourteen of the treaty of 1830 or if you can't show compliance it will be necessary to show an attempted compliance with that article; now you are not able to give those facts at present?
- A Not at present I can't do it; when a fellow don't know a thing he don't know it.
- Q Now you will be allowed up to and including the 24th day of March 1903 for the purpose of introducing any other proof that you may wish to present in this case and you are advised by the Commission because you have no attorney that you must introduce evidence along the lines suggested in the statements just made to you in reference to showing an ancestor who had Choctaw blood who complied or attempted to comply with article fourteen of the treaty of 1830.

In 1837 by act of Congress approved March 3rd of that year a commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another commission was appointed by Congress by an act approved August 23 of that year for the same purpose; the reason why these two commissions were appointed was because a good many Choctaw Indians claimed that they had tried to register under article fourteen of the treaty of 1830 but Colonel Ward the agent refused to allow them to register or neglected to register them and because of this refusal or neglect on his part those Indians had the land which they occupied in that old Choctaw Nation taken from them by the government and sold and they made so many complaints that these commissions were appointed to hear their cases.

- Q Do you know if any of your Choctaw ancestors, your father or any other Choctaw ancestor of yours went before either of these commissions and claimed any rights under article fourteen of that treaty or not? A No sir I do not.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I can't say positive.

This scrip was issued or these certificates were issued to those Indians because they proved that they had a right to land under article fourteen of the treaty of 1830 and also proved that their land had been taken from them by the government and sold.

- Q You don't know whether any of your ancestors ever got any such scrip? A No sir I don't.
- Q Do you speak the Choctaw language? A No sir.
- Q Have you any relatives who have been before this commission to make application for identification as Mississippi Choctaws?
- A Not to my knowledge I haven't.
- Q Have you any other evidence you want to present now? A I've got some affidavits.
- Q Let me see them.

Ex parte affidavit of H. D. Brown is presented by applicant,

received, filed, marked Exhibit A and made part of the record in this case.

Affidavit of L.V.Davenport presented by applicant received, filed, marked Exhibit B and made part of the records in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown eyes; nearly black; very dark hair, sprinkled with gray; dark complexion; he has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 27th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood
Subscribed and sworn to before me this 13th day of March 1903.

Charles H. Sawyer
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Henry T. Owens, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Henry T. Owens, et al., M.C.R. 6785
William Eli Owens, M.C.R. 7361

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Henry T. Owens for himself and his three minor children; Robert
C., Rose and Arastead Owens; and by William Eli Owens for himself,
under the following provision of the act of Congress approved June
28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Eli Owens, who is alleged to have been a Choctaw Indian, degree of blood not positively stated.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Eli Owens signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the

evidence herein is insufficient to determine the identity of Henry T. Owens, Robert C. Owens, Rose Owens, Armstead Owens and William Eli Owens, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Bixby.

Chairman.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

C. R. Breckinridge.

COMMISSIONER.

Muskogee, Indian Territory,

OCT 30 1903.

(SIGNED)

W. E. Stanley.

COMMISSIONER.

Muskogee, Indian Territory, March 11, 1903.

Mrs. Sue Oneal,
Beverly, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of March 3rd, in which you state that your father H. T. Owens, of Beverly, Arkansas, has recently enrolled himself and three minor children and you ask if he could have enrolled his children over twenty-one years of age or if you will have to appear in person.

In reply to your letter you are informed that it appears from our records that Henry T. Owens is an applicant to this Commission for the identification of himself and his three minor children as Mississippi Choctaws. No opinion or decision has yet been rendered relative to their rights to such identification.

You are further advised that each applicant for identification as a Mississippi Choctaw who is over twenty-one years of age or who is married must appear in person before the Commission for the purpose of examination under oath, at which time a proper record is made of his application.

Under the provisions of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, the Commission will, at its

Mrs. S O 2

office at Muskogee, Indian Territory, hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

Chairman.

M C R 6785

Muskogee, Indian Territory, March 20, 1903.

H. T. Owens,
Beverly, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, enclosing the affidavit of Mrs. Hattie Owens, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. Said affidavit has been filed and made a part of the record in this case.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, October 30, 1903.

Henry T. Owens,

Beverly, Arkansas.

Dear Sir:

You are hereby advised that on the 30th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry T. Owens, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry T. Owens, et al., M.C.R. 6785
William Eli Owens, M.C.R. 7361

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry T. Owens, Robert C. Owens, Ross Owens, Armstead Owens and William Eli Owens, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and

H T O 2

thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file argument in this office, and that at the expiration of said time the papers in the case, together with such argument, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Register.



COPY.

Muskogee, Indian Territory, October 30, 1903.

G. A. Holley,

Attorney-at-Law,

Stigler, Indian Territory.

Dear Sir:

You are hereby advised that on the 30th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry T. Owens, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry T. Owens, et al., M.C.R. 6785
a. William Eli Owens, M.C.R. 7361

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry T. Owens, Robert C. Owens, Rose Owens, Armstead Owens and William Eli Owens, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and

G A H 2

thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Register.

M C R 6785

COPY.

Muskogee, Indian Territory, October 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Henry T. Owens, et al., embracing the following applications for identification as Mississippi Choctaws:

Henry T. Owens, et al., M.C.R. 6785
William Eli Owens, M.C.R. 7361

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry T. Owens, Robert C. Owens, Rose Owens, Armstead Owens and William Eli Owens, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

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time the papers in the case, together with such argument, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, November 15, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Henry T. Owens, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 30, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Henry T. Owens, et al.,
William Eli Owens,

M.C.R. 6785
M.C.R. 7361.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

James D. Gandy.
Chairman.

Through the

Commissioner of Indian Affairs.

2 Enc. M.C.R. 6785.

M C R 6785

Muskogee, Indian Territory, November 17, 1903.

Henry T. Owens,
Beverly, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you enclose certificate of Francis M. Nixon as to your character, and state that you have no further argument to offer in support of your application for identification as a Mississippi Choctaw.

In reply you are informed that the record in your case, together with the decision refusing your application, was on November 16, 1903, forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

Respectfully,

Chairman.

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75383-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, Feb. 16, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith for your consideration the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of Henry T. Owens for himself and his three minor children, Robert C., Rose and Armstead Owens; by William Eli Owens, wherein a decision adverse to the applicants was rendered by the Commission October 30, 1903.

The testimony in this case shows that the applicants based their claim to identification on their descent from Eli Owens, father of the principal applicant, it being claimed that he was a Choctaw Indian and a resident of Mississippi or Alabama at the time of the making of the Choctaw treaty of 1830. The Commission rejected the applicants because the name of the ancestor through whom they claim does not appear on their records among the names of

--2--

those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the name of Eli Owens, and it is discovered that his name does not appear among the names of those who complied or attempted to comply with the provisions of said article and treaty. Neither does it appear that he applied to either of the Commissions appointed under acts of March 3, 1837, and August 23, 1842, for an adjudication of his rights, if any he had, as a Choctaw Indian. It is therefore the opinion of this office that the decision of the Commission rejecting the applicants is correct, and I concur in that finding and recommend its approval.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

CTC:LKS

Inclosures.

D.C.11668-1904.
I.T.D.1360-1904
LRS.

(Copy)

J.W.H.
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, April 11, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

November 15, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws of Henry T. Owens for himself and his three minor children, Robert C., Rose and Armstead Owens; and of William Eli Owens for himself, including your decision of October 30, 1903, refusing to identify them as such.

Reporting in the matter February 16, 1904, the Acting Commissioner of Indian Affairs recommends that your action be approved. A copy of his letter is inclosed.

In this recommendation the Department concurs. Your decision is accordingly affirmed.

Respectfully,

(signed) THOS. RYAN,
Acting Secretary.

1 inclosure.

COPY.

M.C.R.6765

Muskogee, Indian Territory, April 30, 1904.

Henry T. Owens,

Beverly, Arkansas.

Dear Sir:

You are hereby notified that on the 11th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry T. Owens, et al., of which decision you were advised by registered mail on the 30th day of October, 1903.

Respectfully,

(SIGNED)

Tams Dixby

Chairman.

M.C.R.6785

Copy.

Muskogee, Indian Territory, April 30, 1904.

G. A. Holley,

Attorney-at-Law,

Stigler, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry T. Owens, et al., of which decision you were advised by registered mail on the 30th day of October, 1903.

Respectfully,

(SIGNED)

James H. Smith

Chairman.

Muskogee, Indian Territory, April 30, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Henry T. Owens, et al., of which decision you were advised by mail on the 30th day of October, 1903.

Respectfully,

SIGNED

James H. H. H.

Chairman.

M C R 6785

Muskogee, Indian Territory, April 25, 1906.

Robert Owens,

Bokoshe, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, requesting to be advised whether or not your name appears on the roll.

It is presumed from your letter that you make inquiry as to any rights you might have as a Mississippi Choctaw, and you are informed that the application made by Henry T. Owens for the identification of himself and three minor children, Robert C., Rose and Armstead Owens, as Mississippi Choctaws, was refused by the Commission to the Five Civilized Tribes on October 30, 1903. This decision was approved by the Secretary of the Interior April 11, 1904.

If you are identical with the Robert C. Owens above mentioned, you are advised that you are not at this time entitled to share in the allotment of lands in the Choctaw-Chickasaw country.

Respectfully,

Commissioner.

1911

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Eli Owens $\frac{1}{4}$, Dead
wife
Piana Owens. Dead

McR
6185

Henry I. Owens, 55 $\frac{1}{8}$
wife
Hattie Owens

McR
7361

William Eli Owens, 25 $\frac{1}{8}$

McR
6185

Robert C. Owens, 20

Rose Owens, 17

Armistead Owens, 15

6785

No.

6785

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 27 1903

Name

Henry T. Owens,

Age

55,

Blood

1/8 -

Post Office,

Beverly, Ark

Father:

Eli Owens d

Mother:

Piano " d

Claims through

father 1/4 -
wife -

Hattie " l.w.

No claim for wife.

Children:

Robert C. Owens, 20

Rose " 17

Armstead " F. 15

Claims for self
and 3 minors

Witness: John H. H. H. H. H.

Am.

R. B.

7

Am.

Choctaw MCR 6786

Harry M. Allsman

MCR 6786

Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 27, 1903.

In the matter of the application of Harry M. Allsman for the identification of himself and his minor child Marcus P. Allsman, as Mississippi Choctaws.

Harry M. Allsman being first duly sworn testified as follows

Examination by the Commission:

- Q What is your name? A Harry M. Allsman
Q What is your age? A Twenty four?
Q What is your post office address? A 2909 North Jefferson Avenue. St. Louis, Missouri.
Q How long have you lived in St. Louis Missouri? A About a year.
Q Where did you live before that? A Kansas City Missouri.
Q How long in Kansas City? A Something like five years.
Q How long did you live in that state? A From the time I was about four years of age.
Q Where did you live most of the time? A In Henry County Missouri.
Q And before that you lived where? A In Bates County Missouri
Q You were born in what state? A Illinois.
Q What place? A Macon.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Marquis D. Allsman.
Q What is your mother's name? A Sarah Ann Allsman.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much do you claim? A One eighth.
Q Your mother was one fourth? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A She made application.
Q When did she make application? A Somewhere near the fifth of last month; I remember when she was down here.
Q It was in February this year? A Yes sir.
Q She made application to be identified as a Mississippi Choctaw did she? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A White.
Q What is her name? A Mollie V. Allsman.
Q Do you make my claim for her? A No sir.
Q You have one child? A Yes sir.
Q What is the name of that child? A Marcus Paul.
Q How old is he? A A year old.
Q You make this claim for your self and one child? A Yes sir.
Q Is your wife Mollie Allsman the mother of this child?
A Yes sir.
Q Are you and she living together as husband and wife and is this child living with you at your home? A Yes sir.
Q When were you married to her and where? A I was married in Dallas County at a place they call Tumas, in Missouri.

- Q That day of the month and year? A I'm not able right at present to tell you exactly.
- Q Have you the proof of your marriage with you now? A No sir, I have it on record; can furnish it.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A Not that I know of, no sir.
- Q Do you come before the commission at this time to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? Or don't you understand that article? A I don't understand that article exactly.

The treaty of 1830 sometimes called the treaty of Dancing Rabbit Creek was made between the United States government and the Choctaw Indians at a place by the name of Dancing Rabbit Creek in Mississippi on the 27th day of September of the year 1830; the reason why the government desired to make this treaty with the Indians was because they wanted to move them from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory where the government could better protect them in their tribal rights there in the old Choctaw Nation; before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drawn up and put into the treaty of 1830; an article in a treaty is one of its paragraphs or subdivisions; article fourteen is the article under which you make your claim today and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article well enough to claim under it?

- A Yes sir we claim under that article.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A I understand that they did.
- Q Who do you claim through? A I claim directly from my mother.
- Q Go back as far as you can? A My great great grandmother.
- Q What name is that? A Mary Ann Harper; John Harper and Mary Ann Harper his wife.
- Q Great great grandfather? A Yes sir.
- Q And great great grandmother? A Yes sir.
- Q How much Choctaw blood did John Harper have? A Full blood.
- Q And his wife? A Full blood.
- Q Did they live in Mississippi in 1830? A I cant say.
- Q Can you give the name of any Choctaw ancestor who really did live in that old Choctaw Nation either in Mississippi or Alabama in 1830 and had a family there then? A No sir.
- Q Did they ever live in Mississippi or Alabama to your knowledge?
- A I dont know.
- Q Did you ever hear that John Harper or his wife Mary Ann or any other Choctaw ancestor of yours lived on land in that old Choctaw Nation five years and at the end of that period received a patent from the government for that land?
- A No sir.
- Q Did you ever hear that any of your Choctaw ancestors went to the United States Indian agent Colonel Ward within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi take land and become citizens of the states? A I've heard that he did.
- Q John Harper? A Yes sir.
- Q And did Mary Ann go to Colonel Ward or did John Harper represent her in her claim before Colonel Ward? A I don't know.
- Q What was done with his application if he went to Colonel Ward within six months from the ratification of the treaty. A I understand that he was driven away by Colonel Ward.
- Q He didn't register then.
- A No sir.
- Q Did he or any ancestor of yours having Choctaw blood claim or receive any land or hold any land in the old Choctaw Nation under article fourteen of the treaty of 1830?
- A Not that we know of.
- Q Did any of them go from that old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know.
- Q Ever heard any of them went with the other Indians between 1833 and 1838 at the expense of the government? A No sir.
- Q Did any of them go before a commission appointed by act of Congress in 1837 or another commission appointed by Congress in 1842 and claim any rights before either of these commissions under article fourteen of the treaty of 1830? A No sir not that I know of.
- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas?
- A No sir.

This scrip was issued under act of Congress approved August 23 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them by the government in the old Choctaw Nation and sold.

These commissions one in 1837 and one in 1842 were appointed by those various acts of Congress to hear complaints of Indians who claimed that they had tried to register under article fourteen of the treaty of 1830 but that Colonel Ward had refused to allow them to register and because he did refuse to allow them the government took their land from them in the old Choctaw nation and sold it; these commissions were appointed to remedy the wrongs and adjudicate the claims of those Indians who claimed under article fourteen of the treaty of 1830.

- Q Do you speak or understand the Choctaw language? A No sir.
Q Are you related to Christopher C. Hanks? A Yes sir.
Q What relation are you to him? A He's a second cousin.
Q He has been before the Commission to be identified as a Mississippi Choctaw. do you want to have your case consolidated with his? A Yes sir.

The case of Christopher C. Hanks V.C.R. 8608 is here referred to for the purpose of consolidation.

- Q You have no attorney? A No sir not at present.

You will be allowed to and including the 24th day of March 1903 for the purpose of introducing any other proof in this case if you desire to do so in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; has blue eyes; medium light complexion; brown hair; has no knowledge of the Choctaw language .

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 27th day of February 1903 and that the above and foregoing is a true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood
Subscribed and sworn to before me this 13th day of March 1903

Charles H. Sawyer

Notary public.

M C R 6786

Muskogee, Indian Territory, March 20, 1903.

Harry M. Allsman,
#2909 North Jefferson Avenue,
St. Louis, Missouri.

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage record between Harry M. Allsman and Mollie V. Wheeler, offered in support of the application made by you for the identification of yourself and minor child as Mississippi Choctaws. The same has been filed with the record in your case.

Respectfully,

Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6786.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

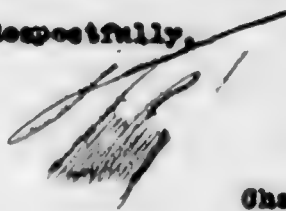
Muskogee, Indian Territory, November 6, 1903.

Harry M. Allaman,
2908 North Jefferson Avenue,
Saint Louis, Missouri.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,



Chairman.

M C R 6786

Muskogee, Indian Territory, March 18, 1904.

Harry M. Allsman,
#2909 North Jefferson Ave.,
St. Louis, Missouri.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of yourself and minor child, Marcus P. Allsman, as Mississippi Choctaws, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6786

M.C.R.6787

M.C.R.6788

Muskogee, Indian Territory, April 8, 1904.

Fred Allsman,

3023 Glasgow Place,

Saint Louis, Missouri.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 30, 1904, in which you ask wherein the evidence in your case was insufficient to identify you as a Mississippi Choctaw. You state that you might be able to file some other proof, if you knew the grounds upon which your application was refused.

You further state that the postoffice address of yourself and Harry Allsman is now 3023 Glasgow Place, and that the post-office address of Boon Howard is now 2330 Montgomery Street, Saint Louis, Missouri.

In reply to your letter you are informed that it appears from our records that on March 4, 1904, the Commission rendered a decision refusing the several applications included in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application was a part, and of which action you were duly notified on March 18, 1904. On the same date you were also notified that you would be allowed thirty days from the date of

F. A., 2.

the rendition of the decision within which to file such argument and brief as you might desire in support of your claim; and you are now informed that Messrs. Thomas & Foreman, attorneys-at-law, Muskogee, Indian Territory, have been granted an extension of time, until May 4, 1904, in this case, within which to file such brief and argument as they may desire.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood, but that they must also show that they are descendants of Choctaw ancestors, who resided in the old Choctaw Nation, in the States of Mississippi and Alabama, in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the acts of Congress of March 3, 1837, and August 23, 1842. No proof of this character has been submitted in support of your claim.

A proper record has been made of the changes of the post office addresses as given in your letter.

Respectfully,

Commissioner in Charge.

101

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 6786.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

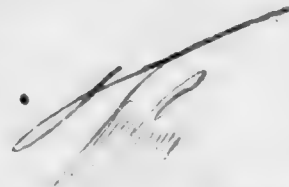
Muskogee, Indian Territory, June 26, 1905.

Harry M. Allsman,
3023 Glasgow Place,
St. Louis, Missouri.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al, of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,



Chairman.

6786

No.

6786

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 27 1903

Name *Harry M. Alliman.*

Age *24.*

Blood

1/8

Post Office, *St Louis, Mo.*

2909 No. Jefferson Ave

Father: ~~Marquis~~ *Marquis D. Alliman, d.*

Mother: *Sarah Ann .. l.*

Claims through *mother, 1/4*
wife.

Mollie V. Alliman, l. w.
No claim for wife.

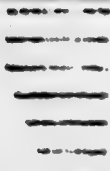
Children:

~~None~~

Marcus T. Alliman, 1

Claims for self
and one minor

Stenographer: *Clara Mitchell Ward*



6786



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE PACIFIC CIVILIZED TRIBES.

FILED

NOV 10 1903

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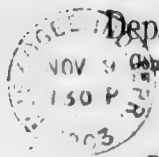
CHAIRMAN

REPRODUCTION

Enclosed is M. C. R.

We desire that we are to be allowed
the right to, from date to date, to
further develop in support of
our position for investigation
as Mississippi. Share Two.

Harry M. Allsman,
2909 North Jefferson Avenue,
St. Louis, Missouri.



Department of the Interior.

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C.

Harry M. Allsman et al

DECISION RENDERED.

MAY 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHICKASAW AND
CHICKASAW NATIONS.

MAY 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAY 13 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF DEPARTMENT OF JUSTICE.
MAY 13 1904

NOTICE OF DECISION
ACTION MAILED

JUN 13

FORWARDED BY

NOTICE OF DECISION

ACTION MAILED

Address not at 3023 Glasgow st

661

No such Number

RECEIVED

ST. LOUIS, MO.

JUN 8 1904

[Handwritten signature]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PACIFIC CIVILIZED TRIBES
FILED
JUN 9 1904

RECEIVED

ST. LOUIS, MO.

MAY 1 1904

3d NOTICE
MAY 17 1904

2nd NOTICE
MAY 18 1904

RECEIVED
MAY 18 1904
ST. LOUIS, MO.

RECEIVED
MAY 18 1904
ST. LOUIS, MO.

11961

MUSKOGEE IND. TER.
APR 30 1904
REGISTERED

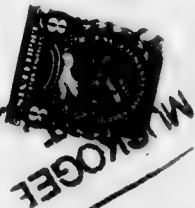
Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



#367
Reg.

DECLARED

15229

REGISTRY DIVISION

JUN 8 1904

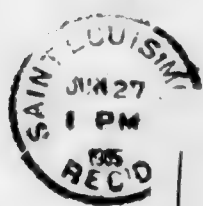
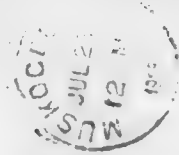
2250

3023 Glasgow Place,

~~1727~~ 1008

Muskogee, Ind.

St. Louis, Missouri,

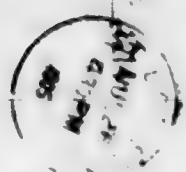


This Mail Matter May be
at *Houston*

CARRIER No.

Address not at hand

JUL 27 1906



Choctaw MCR 6787

Boon Howard

MCR 6787

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, February 27th 1903

In the matter of the application of Boon Howard for the identification of himself and his minor children Stuart Lester and Jewel Howard as Mississippi Choctaws.

Boon Howard being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Boon Howard.
 Q What is your age? A Thirty four.
 Q What is your post office address? A St. Louis, Missouri.
 Q What's the street number? A 2909 North Jefferson Avenue.
 Q Is your father living? A No sir.
 Q Is your mother living? A Yes sir.
 Q What was your father's name? A His name was Randal Howard.
 Q What was your mother's name? A Sarah Ann Allaman.
 Q That's her name now? A Yes, sir.
 Q Do you claim your Choctaw blood through your mother?
 A Yes sir.
 Q How much do you claim? A I claim a quarter.
 Q You claim your mother was one half? A No I claim one eighth
 It was a mistake; my mother is a quarter.
 Q Has your mother ever been recognized or enrolled as a
 Choctaw Indian by the Choctaw tribal authorities or
 by the United States authorities in the Indian Territory?
 A No sir she has been before this Commission to be identified
 as a Mississippi Choctaw.
 Q That's the first time she ever tried to get any rights as
 a Choctaw Indian? A Yes.
 Q She appeared before the Commission last month did she?
 A I believe she did, yes sir.
 Q Are you married? A Yes sir.
 Q Your wife is living and is a white woman? A Yes sir.
 Q What is her name? A Her name is Mary Winona Howard.
 Q You don't make any claim for her? A No sir.
 Q How many children have you? A Two.
 Q What is the name of the oldest? A Stuart Lester.
 Q How old is he? A Eight years old.
 Q The next? A A girl, Jewel.
 Q How old? A She's six years old.
 Q You claim for yourself and two children do you? A Yes, sir.
 Q Is your wife Mary W. Howard the mother of these children?
 A Yes sir.
 Q Are you and your wife living together as husband and
 wife and are these children living with you? A Yes sir.
 Q Have you the proof of your marriage to your wife with you
 now? A No sir.
 Q When were you married to her? A In 1884.
 Q What day of the month? A April 4th.
 Q Where? A Nevada Missouri.
 Q By a minister under aliases? A Yes sir.
 Q Where were you born? A I was born in Bates County Missouri.
 Q From there you went where? A I went to Illinois from there.
 Q How long did you live in Illinois? A About-- I can't state
 positively; I don't know exactly.

- Q About how long? A About six or seven years to the best of my knowledge.
- Q Where in Illinois did you live during that time? A We lived in Macon and Moultrie Counties.
- Q From Illinois you went to what state? A Back to Missouri.
- Q And you lived in Missouri since? A Yes sir.
- Q And how long in St Louis? A Seven years.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir I have not.
- Q Are these children enrolled on any of the tribal rolls of the Choctaw Nation? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir I have not.
- Q This is your first application for yourself and children? A Yes sir.
- Q For any rights in the Choctaw Nation? A For any rights whatever.
- Q Do you come before the commission now to identify yourself and your children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir I do not.
- Q You know what a treaty is don't you? A I do; I know what a treaty is.
- Q And you know what an article in a treaty is? A One of the sections of the treaty.

A treaty like that was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830; this treaty was sometimes called the treaty of Dancing Rabbit Creek because it was made at that place in Mississippi; the object of the government in making this treaty with the Indians was to remove them all from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; the Indians were not receiving the protection in the old Choctaw Nation that they were entitled to; their rights were taken from them and encroached upon by the white people; the government by removing them sought to give them better protection in the Indian Territory but notwithstanding the object on the part of the United States government was for the benefit of the Indians a good many refused to go but preferred to stay back in the old Choctaw Nation and take their chances of having their rights protected; in order to provide that some provision might be made for those Indians who preferred to stay back in the old Choctaw Nation article fourteen was drawn up and put into the treaty of 1830. That article is the one under which you make your claim today and it is as follows:

"And Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signing his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half

that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? Well I believe that Harper made an attempt to comply with it but I don't know whether he succeeded.
- Q What was his full name? John Harper.
- Q How about his wife; did she have Choctaw blood? A I think she did.
- Q How much did John Harper have? A I understand he was a full blood.
- Q And was his wife a full blood Choctaw Indian? A I can't say; of course I only know from family history and tradition.
- Q But what have you heard about her Choctaw blood as a matter of family history. A I heard she was a full blood.
- Q What relation was John Harper to you? A Great great grand father.
- Q And was Mary Ann Harper your great great grandmother? Yes sir.
- Q Did you ever hear they lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and had a family there then
- A No I don't remember.
- Q Did they ever live in Mississippi or Alabama? A Yes sir they lived in Mississippi.
- Q When, do you know? A I don't know the dates.
- Q Did they live on land five years in the old Choctaw Nation either in Mississippi or Alabama and then get a patent from the government? A I can't say.
- Q Did either of them claim any land or retain any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A They never got anything I ever heard of; I can't answer that question.
- Q Do you know whether they went to Colonel Ward either of them or both of them within six months after the treaty of 1830 was ratified and attempted to register under article fourteen of the treaty of 1830? A Well, we understand that he did, go before him.
- Q John Harper. A John Harper went before Colonel Ward.
- Q Did he go before him for himself and wife or for himself alone or did she go before him? I can't state whether he went there for her or whether she accompanied him or not; I don't know about that.
- Q Did John Harper or his wife Mary Ann or any Choctaw ancestor of yours at any time go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 at the expense of the government? A I don't know.
- Q Did they go at any time between the ratification of the treaty of 1830 and the date of this application made by you

- today for the purpose of making a permanent residence in the Choctaw Nation Indian Territory? A Not to my knowledge.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I cant say.
- Q Did any of them go before a commission appointed by act of Congress approved March 3 1837 or before a Commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830?
- A I dont know.

These two commissions were appointed one in 1837 and the other in 1842 by various acts of Congress to hear complaints of Indians who stated that they had tried to register under article fourteen of the treaty of 1830 but that Colonel William Ward had refused to allow them to register and because of his refusal the government had taken their land from them in the old Choctaw Nation and sold it at its public land sales. In 1842 by act of Congress approved August 23 of that year scrip or certificates were issued to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw Nation and sold by the government.

- Q Did any of your Choctaw ancestors receive any such scrip as Choctaw Indians? A Not to my knowledge.
- Q Do you understand or speak the Choctaw language? A No sir.
- Q You have no attorney. A No sir.

Time will be allowed to you up to and including the 24th day of March 1903 during which time any evidence or proof that you desire to file in this case will be accepted by the Commission.

- Q You are related to C.C.Hanks? A Yes sir.
- Q You would like to have your case consolidated with his I presume? A I suppose so.

The case of C.C.Hanks M.C.R. 6508 is here referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; has black eyes; brown hair; ruddy complexion; does not understand the Choctaw language.

Clara Mitchell Wood being first duly sworn states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 27th day of February 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 13th day of March 1903.

Charles H. Sawyer

Notary Public

M C R 6787

Muskogee, Indian Territory, March 9, 1903.

Boon Howard,

#2909 North Jefferson Ave.,

St. Louis, Missouri.

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage record between Boone Howard and Mary W. Rapp, offered for filing in support of the application made by you for the identification of yourself and two minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.

COMMISSIONERS
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRACKINRIDGE.
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6787.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

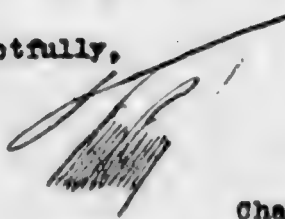
Muskogee, Indian Territory, November 6, 1903.

Boon Howard,
2909 North Jefferson Avenue,
Saint Louis, Missouri.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and minor children as Mississippi Choctaws and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,



Chairman.

Muskogee, Indian Territory, March 18, 1904.

Boon Howard,
#2909 North Jefferson Ave.,
St. Louis, Missouri.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, Stuart L. and Jewel Howard, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the decision, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R. 6787.

Muskogee, Indian Territory, June 26, 1905.

Boon Howard,
2330 Montgomery Street,
St. Louis, Missouri.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

6787

No.

6787

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 27 1903

Date

Name Boon Howard

Age 34

Blood

~~44~~ 1/8

Post Office, St Louis, Mo.

2909 No Jefferson Ave

Father: Randal Howard d

Mother: Sarah Ann Allen, l.

Claims through mother, 1/4

wife.

Mary W. Howard, l.w
No claim for wife

Children:

Stuart L. Howard 8
Jewel " 6Claims for self &
2 minors

Scribbles: Joe Mitchell Wood

TEPP
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SAINT LOUIS MO
DEC 3 PM
1903

6787

76

SAINT LOUIS MO
NOV 10
130 PM
1903

NOV 10
1903

REMOVE
INCLUDE

DEPARTMENT OF THE
COMMISSION TO THE
FIELD

DE 12 1903

[Signature]

CHAPMAN

FOR DEPARTMENTAL USE
B.67

Boon Howard et al

DECISION RENDERED.

MAR 1 1904

COPY OF DECISION FORWARDED
ATTORNEY GENERAL
CHICKASAW NATIONS

MAR 1 1904

NOTICE OF DECISION MAILED AT DEPT. MAR 15 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPEAL BY
CHICKASAW NATIONS

MAR 1 1904

JUN 1 1904

NOT
TO

RECEIVED
JUN 1 1904

Choctaw MCR 6788

Fred Allsman

MCR 6788

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 27, 1903.

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In the matter of the application of Fred Allsman for identification as a Mississippi Choctaw.

Fred Allsman being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Fred Allsman.
Q What is your age? A Twenty two.
Q What is your post office address? A Kansas City, 1019 Troost Avenue.
Q Kansas City, Kansas? A Kansas City, Missouri.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q How long have you lived in Kansas City? A About eight years to the best of my knowledge.
Q Where did you live before that? A We lived in Vernon County Missouri.
Q Where were you born? A In Illinois.
Q Where in Illinois? A In Lovington.
Q And lived there how long? A Six or seven years.
Q Did you then go to Missouri? A Yes sir.
Q What was your father's name? A Marquis Allsman.
Q Marguis D., is it? A Yes sir.
Q What is your mother's name? A Sarah Ann Allsman.
Q Do you claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A I claim one eighth.
Q Is she one fourth Choctaw? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Well she has been before this commission here.
Q She has made application to be identified as a Mississippi Choctaw has she? A Yes sir.
Q When was that - in January of this year? A Yes sir, some time along there.
Q That's the only application that she has ever made for rights in the Choctaw Nation? A Yes sir, all that I know of.
Q Are you married? A No sir.
Q Claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to this time? A No sir.
Q Do you now want to be identified as a Mississippi Choctaw? A Yes sir.
Q Claiming under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Well no, not just exactly.
Q You have heard it explained twice? A Yes.
Q Do you want it explained again? A I don't know whether it

would be necessary.

Q Do you understand it & you think well enough to claim under it? A Yes sir.

Q This treaty of 1830 was made between the government of the United States and the Choctaw Indians to remove the Choctaw Indians from the old Choctaw nation east of the Mississippi river to the Choctaw Nation Indian Territory; the article under which you claim is article fourteen and was put into the treaty to protect those Indians who stayed back in the old Choctaw Nation; the article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectionall lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article or not? A I understand one of them did but was driven away.

Q Who was that? A John Harper.

Q What relation was he to you? A Great great grandfather.

Q How about his wife -- what relation to you? A My great great grandmother.

Q Did she have Choctaw blood? A Yessir I understand she was a full blood.

Q Was her husband John Harper a full blood Choctaw Indian?

A Yessir.

Q Did they live in Mississippi in 1830 and have a family there at that time; in other words were they heads of families there then in the old Choctaw Nation in Mississippi or Alabama? A I cant say.

Q Did they ever live in Mississippi or Alabama? A I cant say.

Q Where did they live if you know at any time? A I can answer that.

Q Did either of them or both of them go before the United States Indian agent Colonel Ward within six months from the ratification of the treaty of 1830 and register or attempt to register under article fourteen of that treaty. A I understand he did.

Q John Harper. Yes.

Q Did he register or not? A He never registered; no, he made the attempt.

Q Why didn't he register? A I understand that he was driven away.

Q Driven away from the place of registration or driven away from the state? A Driven away from the place of registration.

Q By whom? Do you know? A Well it was Colonel Ward is the way I understand it.

Q Do you know anything more of the particulars? A No

- Q Did John Harper or his wife Mary Ann Harper or any other Choctaw ancestor of yours live on land in the old Choctaw Nation either in Mississippi or Alabama for a period of five years after the treaty of 1830 was ratified and then get a patent from the government for the land? A I cant say.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today?
- A I cant say as to that either.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I dont know.
- Q Did any of your Choctaw ancestors go before a commission appointed by act of Congress approved March 3 1837 or before a commission appointed by act of Congress approved August 23 1842 and claim any benefits under article fourteen of the treaty of 1830? A I dont know.

These commissions were appointed by various acts of Congress because the indians claimed that they had attempted to register under article fourteen of the treaty of 1830 but Colonel Ward the agent refused to allow them to register and because of his refusal the government had taken their land from them in the old Choctaw Nation and sold it.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I dont know.

This scrip was issued under act of Congress approved August 23 1842.

- Q Do you speak or understand the Choctaw language? A No sir.

- Q You will be allowed time up to and including the 24th day of March 1903 for the purpose of introducing if you wish, other proof in this case.

- Q Are you related to C.C.Hanks or Christopher C. Hanks?

A Yes sir.

- Q What relation are you to him? A Second cousin.

- Q Are you a brother of Harry M. Allsman? A Yes sir.

- Q Half brother of Boon Howard? A Yes sir.

- Q They have made application today claiming through the same ancestor? A Yes sir.

- Q Do you want to have your case consolidated with the case of C.C.Hanks et al? A Yes sir.

The case of Christopher C. Hanks M.C.R.6508 is referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; ruddy complexion, fair; brown hair; has no knowledge of the Choctaw language.

Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 28th day of February 1903 and that the above and foregoing is a true and correct transcript of her stenographic notes of the proceedings in said case on said date. *Clara Mitchell Wood*
Subscribed and sworn to before me this 13th day of March 1903

Charles H. Sawyer Notary Public.

M.C.N.6788.

Muskogee, Indian Territory, November 6, 1903.

Fred Allaman,
1019 Troost Avenue
Kansas City, Missouri.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6788

Muskogee, Indian Territory, March 18, 1904.

Fred Allsman,
#1019 Troost Avenue,
Kansas City, Missouri.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6788.

Muskogee, Indian Territory, June 26, 1905.

Fred Allsman,
3023 Glasgow Place,
St. Louis, Missouri.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

6788

No. 6788

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

FEB 27 1903

Date

Name Fred Allsman,

Age 22

Blood 1/8

Post Office, Kansas City, Mo.
(1019 Troost Ave.)

Father: Marquis D. Allsman, d.

Mother: Sarah Ann " s.

Claims through mother, 1/4

Children:

Claims for self

Stenographer Clara M. M. M.

Fred Allsman

RECEIVED IN RECORDS

MAY 11 1904

COPIES OF RECORDS FORWARDED
ATTORNEY GENERAL AND
CHICAGO OFFICIALS.

MAY 11 1904

NOTICE OF RECEIPT MAY 11 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTED
SECRETARY

FORM

UNCALLED FOR

213

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

6788

Not 1919

RECEIVED
JUL 22 1905
INDIAN TERRITORY

Fred Allman,

3023 Glasgow Place,

St. Louis, Missouri.



Choctaw MCR 6789

Mary A. Clover

MCR 6789

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 27, 1903.

In the matter of the application of Mary Clover for identification as a Mississippi Choctaw.

H. J. Cole Attorney for applicant.

Mary Clover being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Clover.
Q What is your age? A I cant tell you exactly.
Q About how old? A Seventy odd; I don't know exactly.
Q Over seventy you think? A I expect so.
Q What is your post office address? A Curtis Arkansas.
Q Where were you born? A Born in Alabama I reckon.
Q Do you remember where in Alabama? A No sir I dont.
Q How long did you live in Alabama before you left that state?
A I cant tell you that.
Q Did you leave when you were a little girl? A Yes sir.
Q And where did you go? A To Arkansas.
Q And have been in Arkansas ever since? A Yes sir.
Q How long in Curtis? A I lived in five miles of Curtis a good many years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name; give me the whole name? A Henry Pehworth.
Q What was your mother's name? A Patsy Pehworth.
Q Do you claim Choctaw blood through your father or mother?
A No sir my mother.
Q How much Choctaw blood do you claim? A Half.
Q Was your mother a full blood Choctaw Indian? A Yes sir.
Q Has she ever been recognized as an Indian in the Indian Territory or enrolled by the Choctaw tribal authorities or the United States authorities as one? A I dont know.
Q She never lived in the Indian territory? A Yes sir.
Q You dont think she has been recognized or enrolled as an Indian by the Choctaw tribal authorities? A No sir, I dont know. She was an Indian; that's all I know.
Q How many children now living? A None but the one.
Q What child is that? A William Clover.
Q He's of age is he? A Yes sir.
Q Your husband is now dead is he? A Yes sir.
Q What was your husband's name? A William Clover.
Q Did he have any Choctaw blood? A No sir.
Q His blood was all white I presume and William Clover his son is here today to make application? A Yes sir.
Q And he's the only son you have by your husband William Clover? A Yes sir.
Q You claim for yourself alone do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A It ought to be.
Q But is it? A I cant tell you; I think it is.
Q If it is you wouldn't be here today to make this application

- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A We proved up our rights before the Choctaws.
- Q Did you ever make application before today; have you ever been to the Choctaw tribal authorities and made application
- A No sir.
- Q Did you make application to the Dawes Commission under act of Congress of June 10 1896? A Yes sir.
- Q You made application then did you not? A Yes sir.
- Q What was done with the application? A I dont know sir what became of it.
- Q Did you go before the Commission at that time? A Yes.
- Q Where was it; here in Muskogee? A Yes sir.
- Q You didnt come in person did you? A No sir.
- Q You just wrote here? A Yes sir.
- Q Do you remember that on the 27th day of September 1896 at Eagletown Indian Territory Jeff Gardner the principal chief of the Choctaw Nation certified that he made out true copies of an application and affidavits for the rights of citizenship in the Choctaw nation received from Mary A. Clover applicant at his office. Do you remember that? A (No answer)
- Q Is Mary A. Clover your name? A Yes sir.
- Q Do you want to give your name Mary A. Clover now? A Yes sir.
- Q Do you swear that this certificate of Jeff Gardner Principal Chief of the Choctaw Nation that somebody made application for you for citizenship in the Choctaw Nation before the Dawes Commission that that is true? A Yes sir.
- Q Is that the only application you ever made, that application that you made to the Dawes Commission in 1896? A I reckon it was.
- Q Do you know whether that application made to the Dawes Commission in 1896 is the only one you ever made or whether you made any before that or after that or how is that?
- A I dont know; I dont recollect.
- Q Well Mrs. Clover as a matter of fact you never have been admitted to citizenship in the Choctaw nation by any authority whatever have you; you are not a member of the Choctaw tribe now are you? A No sir.
- Q Do you come before the Commission to identify yourself as a Mississippi Choctaw? A Yes.
- Q Do you claim the right to identification as a Mississippi Choctaw under article fourteen of the treaty of 1830 or dont you understand that article. A No sir I dont believe I do.

In 1830 a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit creek on the 27th day of September of that year; the object of this treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty; in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830; then the treaty was signed and afterwards became ratified; article fourteen under which you make your claim today is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six

hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What ancestors of yours do you claim through now - your father or mother or grandfather or grandmother -- your choctaw blood? A My mother.
- Q Through Patsy pebworth. Was she a fullblood choctaw? A Yes sir.
- Q Did she comply with article fourteen of the treaty of 1830; do you know? A I dont know; I was small.
- Q How old would she be if living now? A I dont know sir how old she would be.
- Q You were born in mississippi or Alabama? A yes sir I was born in Alabama I reckon.
- Q Where were you born in Alabama? A I dont know; in the old nation any way.
- Q Were you living in the old Nation in Alabama when the treaty of 1830 was made; that would be seventy three years ago.
- A I dont know sir whether I was or not.
- Q You are now over seventy are you not? A Yes sir.
- Q Do you know how much older than seventy you are? A No sir I dont, but I'm in seventy somewhere; I dont know exactly.
- Q Have you any way of telling within a year or two how old you are? A The only way I sorter guess at my age is my brother John he was two years old when we come to this country.
- Q You mean the Choctaw Chickasaw Country or Arkansas? A Arkansas.
- Q When did you go to Arkansas? A I cant tell you that.
- Q Did patsy pebworth your mother live in Mississippi or Alabama in 1830 and was she the head of a family therethen? A I reckon so; I dont know.
- Q Do you know where she was born? A No sir I do not.
- Q Did she die in Arkansas? A Yes sir.
- Q Do you know how old she would be if living now? A No sir.
- Q You dont know when she was born? A No sir.
- Q Do you know what her father's name and her mother's name was?
- A Her father's name was mcCan.
- Q What was his Christian name or given name? A I dont know sir; that's asfar back as I know.
- Q Do you think that your mother was living in that old Choctaw Nation and married in 1830? A I dont know sir.
- Q Did you have any brothers older than yourself? A Yes sir.
- Q Very much tolder? A Yessir.
- Q How much older was the oldest? A I cant tell you; there's four older than me.
- Q Were any of these four ten years older than you? A I cant tell you that.
- Q You cant tell how much older any one of them was? A No sir.

- Q You are not able to state positively then whether your mother was living in the old Choctaw nation in Mississippi or Alabama in 1830 and had any of those brothers or sisters living at that time? No sir, O, yes sir, they was all living there.
- Q They were living in 1830? A I reckon so; my older brothers and sisters.
- Q You think they were living in 1830 in Alabama? A I dont know; I cant tell you.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw nation in Alabama or Mississippi five years and then get a patent from the government for that land? A I dont know.
- Q Did any of them claim any land in that old Choctaw nation or receive any land under article fourteen of the treaty of 1830; do you know? A I dont know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today; do you know about that? A I dont know.
- Q Did any of your Choctaw ancestors go to the United States Indian agent Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen of the treaty of 1830? A I dont know.
- Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A I guess so; I dont know.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842 and claim rights under article fourteen of the treaty of 1830? A I dont know.

These commissions were appointed by various acts of Congress one by act approved March 3 1837 and the other by act of Congress approved August 23 1842 because of the complaints made by Choctaw Indians that although they had tried to register under article fourteen of the treaty of 1830 within six months from the ratification of that treaty Colonel William Ward the United States Indian agent would not allow them to register and because he refused them this privilege the government afterwards took the land from those Indians and sold that land at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas? A I dont know.

This scrip or these certificates were issued by act of Congress approved August 23 1842 and was given to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Do you speak the Choctaw language? A No sir.
- Q What relation is Vassay V. Pebaworth to you? A I'm her great aunt.

Mr Cole you represent this applicant do you not? A Yes sir.

- Q She has given the relationship existing between her and Vassey V. Pebsworth - and by the way that's spelled P-e-b-s-w-o-r-t-h and not P-e-b-w-o-r-t-h as we have it here. Do you want to have the application made by this applicant consolidated under the head of Vassey V. Pebsworth et al M.C. 6144.
- A Yes sir I believe I do.

The application of Vassey V. Pebsworth 6144 is here referred to for the purpose of consolidation.

This applicant will be allowed to and including the 24th day of March 1903 for the purpose of the introduction of other evidence or proof in this case.

Examination by Mr. Cole:

- Q You say you dont remember when you left Alabama? A No sir I dont remember.
- Q Did you leave Alabama at the same time the Indians were moving from there; did you move with the Indians? A Yes sir with part of the Indians?
- Q Is that the time they were moving from Alabama and Mississippi from the old Choctaw Nation? A I reckon so and we came to Arkansas.
- Q Was there a great number came? A Yes sir.
- Q And you came with them? A Yessir.
- Q How far? A I dont remember how far.
- Q Did you come with them to Arkansas where you live now?
- A Yes sir I come to Arkansas; I dont know which way we went.
- Q That was the time the Indians moved from Alabama coming to the Indian Territory? A Yes sir.
- Q And about how old were you at that time? A At that time I was seven or eight years old; I dont know; I dont know my age.
- Q Who do you claim Choctaw blood through? A Mother.
- Q What was her name? A Patsy Pebworth.
- Q How many children did Patsy Pebworth have? A I dont know exactly, I could count them up.
- Q Could you name one? A Yes sir.
- Q Just name them? A Amy and Joe, Bob, Matilda, myself, Caroline John and Emily; two of them was born after we come to Arkansas.
- Q And you lived in Arkansas ever since? A Yes sir.
- Q Were you living in the old Choctaw Nation in 1830? A I dont know sir.
- Q But you were living there when the Indians were moving away from there? A Yessir.
- Q Do you remember any town or city that you lived near? A I most forgot but it seems to me just on the side of the river was a town; it seems to me it was Doukville or something like that.
- Q What river was that? A Tom Bigbee river.
- Q You are not positive whether you lived in Alabama or Mississippi?
- A No sir I dont recollect; I dont know. I cant tell you; I was small; I dont know but I know we lived right on the Tom Bigbee river.
- Q How did you get across the river? A A ferry.
- Q Whose ferry? A I believe it was McPadden's and below his was Roberson's ferry.
- Q Do you remember what Roberson that was? A No sir I dont know exactly the name but he was the father to this Roberson woman out here in the Indian Territory.

- Q Wasn't his name Lewis Roberson? A Yes I think it was.
Q Do you speak the Choctaw language? A No sir
Q Haven't you often heard your mother speak the language?
A No sir she didn't speak it.
Q Why not? A She was deaf and dumb, talked by signs. That's the reason we never knew anything about the language and being away so long.
Q Add you account for your not being familiar with the language on account of your mother being deaf and dumb? A Yes sir.
Q Did your grandfather have a place, a farm there? A I guess so.
Q Did your father have land there; did he have a farm. A Yes sir; had two or three farms somewhere but I don't know where.

This applicant has the appearance of having descended from white parentage; her claim is that of one half Choctaw blood; her hair which is now gray shows traces of having been black.

- Q Your hair was formerly black wasn't it? A Yes sir; her complexion is medium dark; her eyes are blue; she has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Mary A. Clover being recalled testified as follows:

Examination by Mr Cole:

- Q Did your father own any land in Alabama where you lived? A I reckon so; I don't know:
Q Did your mother own any land? A Yes sir she owned land.
Q Did she own the place where you lived? A Yes sir
Q And where did you say that place was? A On the Tom Bigbee river.
Q You don't know how they got that land? A No sir I do not.
Q And he lived on that land until you moved to Arkansas?
A Yes sir

By the Commission:

- Q Did I understand you to say your father Henry Pebworth was a white man? A Yes sir.
Q Vassay W. Pebworth is is great niece of yours? A Yes sir.
Q She made application to be identified as a Mississippi Choctaw claiming her Choctaw blood through Henry Pebworth; is that a mistake; you claim through Patay the wife of Henry; isn't it a mistake when she claims through Henry? A Yes sir.

By Mr Cole:

- Q Don't you know it's a mistake? A Of course it is.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 27th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.


Subscribed and sworn to before me this 13th day of March 1903

Charles B. Sawyer
Notary Public.

Muskogee, Indian Territory, April 24, 1903.

Received of the Commission to the Five Civilized Tribes
one copy of testimony in each of the following Mississippi Choctaw
cases:

Mary Clover,	M C R 6789 ✓
Matilda Clover,	M C R 6790
William M. Clover,	M C R 6791


Attorney for applicants.

M C R 6789

Muskogee, Indian Territory, May 11, 1903.

Mary A. Clover,
Curtis, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your affidavit, in interrogatory form, offered in support of the Mississippi Choctaw case of Mary A. Clover. The same has been filed with the record in this case.

Respectfully,

Commissioner in Charge.

CCFY.

Muskogee, Indian Territory, October 27, 1903.

Mary Clover,

Curtis, Arkansas.

Dear Madam:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying you as a Mississippi Choctaw.

You are advised that a copy of the decision above referred to has this day been forwarded to Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named person as a Mississippi Choctaw. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902 (32 Stats., 841):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the person identified in the decision of October 27, 1903, above referred to, in order to avail herself of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

I. B. Medley.
Commissioner in Charge.

Registered.

M.C.R. 6789.

Muskogee, Indian Territory, April 6, 1904.

Mary Clover,

Curtis, Arkansas,

Dear Madam:

You are hereby notified that on the 6th day of April 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw Indian of which decision you were advised by registered mail on the 27th day of October 1903.

Respectfully,

(SIGNED)

Commissioner in Charge.

Muskogee, Indian Territory, April 12, 1904.

Mary Clover,

Curtis, Arkansas,

Dear Madam:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGN)

[Signature]

Commissioner in Charge.

Registered.

6789

No.

6789

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 21 1907

Name Mary A. Clover

Age 70 +

Blood

1/2

Post Office

Curtis, Ark.

Father:

Henry Peabworth d.

Mother:

Patsy " d.

Claims through

mother, full
HusbandWilliam Clover, (d) w.~~CLAIMS~~Claims for self
alone

Stenographer Clara Mitchell coach

Mary A. Clowr

IDENTIFIED

DECEMBER 27 1903

NOTICE OF DECEASED

APPLICANT

DECEASED

APPLICANT

DECEASED

11

ACTIONARY

Choctaw MCR 6790

Matilda Clover

See MCR 7243, 7242, 7244
7309, 6864, 6867, 6868, 6793
6794, 6795, 7246, 7318, 6792
6789, 6791, 6865, 7240, 7241, 7245
7307, 7308, 7425, 6144, 6145

MCR 6790

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Matilda Clover, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Matilda Clover,	M.C.R. 6790
Henry Tucker,	M.C.R. 7243
Charlie McClosky, et al.,	M.C.R. 7242
George Tucker,	M.C.R. 7244
Katie Wilson, et al.,	M.C.R. 7309
Nancy F. Karr, et al.,	M.C.R. 6864
Lou Franklin, et al.,	M.C.R. 6867
Rosie Draper, et al.,	M.C.R. 6868
William Pebworth, et al.,	M.C.R. 6793
David Pebworth, et al.,	M.C.R. 6794
Joe Pebworth, et al.,	M.C.R. 6795
Joewillie Hunter, et al.,	M.C.R. 7246
Earnest Q. Clover, et al.,	M.C.R. 7318
Josiah M. Clover, et al.,	M.C.R. 6792
Mary Clover,	M.C.R. 6789
William Marshall Clover,	M.C.R. 6791
Henry H. Clover, et al.,	M.C.R. 6865
Mary Ann Barr,	M.C.R. 7240
Benjamin J. Guice,	M.C.R. 7241
Willie Ann Lehuw, et al.,	M.C.R. 7245
Freddie C. Ricketts, et al.,	M.C.R. 7307
William G. Jordan,	M.C.R. 7308
Doroth A. Patterson, et al.,	M.C.R. 7421
Vassie V. Pebworth, et al.,	M.C.R. 6144
Roscoe W. Pebworth, et al.,	M.C.R. 6145

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

Original application of Matilda Clover to the
Dawes Commission for identification as a Mis-
sissippi Choctaw-----

(Page)

Certified copy of the marriage record of Eli Clover and Matilda Pebsworth-----	6
Affidavit of Matilda Clover-----	7
Original application of Henry Tucker to the Dawes Commission for identification as a Mis- sissippi Choctaw-----	10
Affidavit of G. B. Cannon as to the marriage of Prudy Ann Davis and P. C. Tucker-----	13a
Affidavit of J. N. Tucker-----	13b
Affidavit of Mary Clover as to the marriage of Amy Pebworth and Arter Davis-----	13c
Affidavit of Matilda Clover-----	13d
Original application of Charlie McClosky, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	14
Certified copy of the marriage record of H. C. McClosky and L. F. Tucker-----	18
Original application of George Tucker to the Dawes Commission for identification as a Mississippi Choctaw-----	19
Original application of Katie Wilson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	23
Marriage record of Katie Tucker and H. A. Wilson-----	26
Original application of Nancy F. Karr, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	27
Original application of Lou Franklin, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	31
Certificate of Dr. S. H. Hourland-----	33a
Certified copy of the marriage record of J. A. Franklin and Lou Karr-----	34
Original application of Rosie Draper, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	35
Certified copy of the marriage record of James Draper and Rosy Karr-----	41
Original application of William Pebworth, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	42
Certified copy of the marriage record of Wm. Pebworth and Florence Stanfield-----	46

Original application of David Pebworth, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	47
Certified copy of the marriage record of David Pebworth and Margrett Buckley-----	52
Original application of Joe Pebworth, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	53
Certified copy of the marriage record of J. M. Pebworth and Saphrona Gillman-----	57
Original application of Joewillie Hunter, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	58
Certified copy of the marriage certificate of Joe Willie Clover and J. H. Hunter-----	62
Original application of Earnest Q. Clover, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	63
Marriage record of Robert L. Clover and Mary F. Rickets-----	68
Letter of the Commission addressed to R. L. Clover-----	69
Original application of Josiah M. Clover, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	70
Certified copy of the marriage record of J. M. Clover and Agnes Walton-----	75
Original application of Mary Clover to the Dawes Com- mission for identification as a Mississippi Choctaw---	76
Affidavit of Dudley Spense-----	82
Affidavit of Samuel D. Calloway-----	83
Affidavit of Mary Clover-----	84
Certified copy of affidavit of W. H. Calloway-----	87
Certified copy of affidavit of S. D. Calloway-----	88
Certified copy of letter addressed to the Commission by Jeff Gardner, Principal Chief, Choctaw Nation-----	90
Application of W. M. Clover for enrollment as a Choctaw citizen by blood-----	91
Original application of William Marshall Clover to the Dawes Commission for identification as a Mississippi Choctaw-----	94

Certified copy of marriage record of Wm. M. Clover and Talitha J. Hollinsworth-----	100
Original application of Henry H. Clover, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	101
Original application of Mary Ann Barr, to the Dawes Commission for identification as a Mississippi Choctaw-----	105
Joint affidavit of Matilda Clover and Wm. M. Clover----	110
Original application of Benjamin J. Guice to the Dawes Commission for identification as a Mississippi Choctaw-----	111
Original application of Willia Ann Lehuw, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	115
Certified copy of marriage record of Willie White and I. G. Lehuw-----	118a
Original application of Freddie C. Ricketts, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	119
Certified copy of the marriage record of W. M. Rickets and Lyda Jordan-----	123
Application of William G. Jordan for enrollment as a citizen by blood of the Choctaw Nation-----	124
Original application of William G. Jordan to the Dawes Commission for identification as a Mississippi Choctaw-----	126
Original application of Doroth A. Patterson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	130
Certified copy of the marriage record of W. M. Patterson and E. S. Jordan-----	135
Original application of Vassie V. Pebsworth, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	136
Marriage record of L. P. Pebsworth and Ada Thomas-----	146
Certificate of John W. Allen-----	147
Certified copy of the marriage certificate of Alonso Karr and Nancy J. Pebsworth-----	148
Certified copy of the marriage certificate of Elizabeth C. Clover and Joseph Pebworth-----	149

Certified copy of the marriage certificate of W. H. Clover and M. W. Denson-----	150
Certified copy of the marriage certificate of Sam J. Jordan and Caroline Pebworth-----	151
Original application of Roscoe W. Pebworth, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	152
Marriage record of Wm. Pebworth and Emmy Thomas-----	160
Certificate of John W. Allen-----	161
Commission to take the deposition of Matilda Clover----	162
Caption to deposition of Matilda Clover-----	163
Interrogatories propounded to Matilda Clover-----	164
Cross interrogatories propounded to Matilda Clover----	167
Certificate of L. C. Newberry-----	177
Envelope which contained the deposition of Matilda Clover-----	178
Commission to take the deposition of Mary Clover-----	179
Caption to deposition of Mary Clover-----	180
Interrogatories propounded to Mary Clover-----	181
Cross interrogatories propounded to Mary Clover-----	184
Certificate of L. C. Newberry-----	194
Envelope which contained the deposition of Mary Clover-----	195
Certified copy of patent issued to Henry Pebworth-----	196
Decision of the Commission granting the applications in the consolidated case of Matilda Clover, et al., for identification as Mississippi Choctaws-----	199.

Department of the Interior
 Commission to the Five Civilized Tribes
 Muskogee, Indian Territory, February 27, 1903.

In the matter of the application of Matilda Clover for identification as a Mississippi Choctaw.

E.J. Cole Attorney for applicant.

Matilda Clover being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Matilda Clover.
 Q Are you a sister of Mary A. Clover? A Yes sir.
 Q What is your age? A I don't know.
 Q About how old do you think -- how much older or younger than your sister? A I don't know how much older.
 Q Are you older than she? A Yes sir.
 Q She says she's over seventy; do you think you would be over seventy? A I may be; I can't tell.
 Q Are you older than Mary A. Clover your sister? A Yes sir.
 Q If she is over seventy you would be older than that considerably would you? A I don't know; of course I would be older but I don't know how much.
 Q You don't think you would be eighty do you; you wouldn't be as old as that would you? A I don't know.
 Q What is your post office address? A I don't know.
 Q Where are you living now? A In Arkansas.
 Q Are you living near Curtis Arkansas? A Yes sir.
 Q Are you living with your sister Mary A. Clover? A No sir; I'm living with my son.
 Q How long have you lived in Arkansas? A I can't tell.
 Q Where did you live before you lived in Arkansas? A In Alabama.
 Q Were you born in Alabama? A I don't know whether I was or not; I must have been.
 Q You think you were? A Yes sir.
 Q You went from Alabama to Arkansas? A Yes sir.
 Q You never heard that you lived in any other state except Arkansas or Alabama did you. A Father had two places; one place up in Alabama and then we moved out here.
 Q Then you have lived in Alabama and Arkansas? A Yes sir.
 Q You have lived in Arkansas a good many years? A Yes sir.
 Q Were you a little girl when you moved from Alabama to Arkansas? A Yes sir.
 Q Is your father living? A No sir.
 Q Is your mother living? A No sir.
 Q What is your father's name? A Henry Peabworth.
 Q Can you spell it? A No sir.
 Q You don't know whether that name is spelled P-e-b-w-o-r-t-h or P-e-b-n-w-o-r-t-h? A No sir; I don't know; that's the way we have always called him.
 Q Peabworth? A Yes sir.

To Mr. Cole, Attorney for applicant:

- Q. Do you want that spelled P-e-b or with an "s"?
 A P-e-b-w-o-r-t-h.

By the Commission to applicant:

- Q What was your mother's name? A Patsy Peabworth.
- Q Through which parent do you claim Choctaw blood? A My mother.
- Q Do you claim through your father? A No sir.
- Q What was your father's blood? A He was a white man.
- Q Was your mother a full blood Choctaw woman? A Yes sir.
- Q Do you claim to be one half Choctaw? A Yes sir.
- Q Has your mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A Not that I know of.
- Q Did she ever live in the Choctaw Nation Indian Territory here in the Indian Territory? A Not here; she did in Alabama.
- Q In the old Choctaw Nation? A Yes sir? A Yes sir; we didn't get there; we just stopped in Arkansas and been there ever since.
- Q You left Alabama, went to Arkansas and have been there ever since? A Yes sir.
- Q Did your mother die there? A Yes sir.
- Q Your husband is not living now is he? A No sir.
- Q What was his name? A Eli Clover.
- Q Did he have any Choctaw blood? A No sir.
- Q White man? A Yes sir.
- Q And your children are all of age? A Yes sir.
- Q And married? A Yes sir.
- Q You claim for yourself then do you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Did you make application to the Dawes Commission in 1896 under act of Congress of June 10, 1896? A No sir.
- Q You mean you didn't go before the Commission in person do you? A No sir I didn't go in person.
- Q But didn't somebody make application for you and try to get you enrolled at that time; don't you remember somebody making application for you? They left mine out.
- Q Then nobody did make application for you did they? A No sir.
- Q This is the first application you have ever made for citizenship in the Choctaw Nation? A Yes sir.
- Q You never have been admitted by any authority up to the present time either by the Choctaw tribal authorities or the United States authorities or the United States Court in the Indian Territory have you? A No sir.
- Q Do you come before the Commission at this time to be identified as Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830 or don't you understand that article? A I don't understand it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830; before that treaty was signed it became known that a good many Indians would not go to the Choctaw Nation Indian Territory under the treaty with the other Indians; the treaty was made for the purpose of removing the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation Indian Territory; when it became known that a good many Indians would refuse to go then a title was made that you are claiming under now; article fourteen and was put there to protect the interests of Mississippi Choctaw Indians; this article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or apportion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you claim through your mother? A Yes sir.
- Q Do you know anything about her father or her mother? A No sir I dont.
- Q You cant go back any further than your mother and father can you? A No sir.
- Q Patsy Pebworth is your mother? A yes sir.
- Q How much Choctaw blood did she have? A Full blood.
- Q Did she ever live in Mississippi? A I dont know whether she did or not; I think she did.
- Q Was she very near the line between Mississippi and Alabama?
- A Yes sir.
- Q And can you tell whether it was in Mississippi or Alabama or did she move about? A She moved from one place up in Alabama to another place in Alabama.
- Q Were they living in the old Choctaw Nation? A yes sir.
- Q Do you know in what county they lived? A No sir.
- Q Did Patsy Pebworth or any one for her go to the United States Indian agent Colonel Ward within six months from the ratification of the treaty of 1830 and tell Colonel Ward that they wanted to stay in Mississippi take land and become citizens of the states? A I dont know.
- Q Did your mother Patsy Pebworth or any Choctaw ancestor of yours live on land five years in Mississippi or Alabama in the old Choctaw Nation and at the end of that time receive a patent from the government under article fourteen of the treaty of 1830? A I dont know.
- Q Did you ever hear that any of your Choctaw ancestors Patsy Pebworth or anybody else claimed any land or lived on any land in the old Choctaw Nation and claimed it under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river which was partly in Mississippi and partly in Alabama to the Choctaw Nation Indian territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Well they -- part of them left there when we did.
- Q And you went as far as Arkansas did you? A Yes sir.
- Q And your family stopped in Arkansas? A Yes sir.
- Q And never got any further than that? A No sir.
- Q Your mother went to Arkansas and died there? A yes sir.
- Q Where in Arkansas did your mother die? A I dont know.
- Q Was it where or near where you are living now? A Yes sir.
- Q Near Curtis? A Yes sir.
- Q You have always lived near that place have you? A Yes sir.
- Q Didn't she die at your sister's Mary Ann Clover's house?
- A Yes sir.

- Q And close to wherethey are living now - Curtis? A Yes sir.
Q When did she die; do you know how long ago? A No sir.
Q Five years or twenty years ago? A Over twenty years ago.
Q Was she an old lady when she died? A Yes sir.
Q Over seventy? A Yes I guess she was.
Q Did she or any Choctaw ancestor of yours own any improvements on land in that old Choctaw Nation either in Mississippi or Alabama in 1830? A I dont know; I reckon they did; I dont know for certain.

In 1837 by act of Congress approved March 3 of that year and in 1842 by an act of Congress approved August 23 of that year two commissions were appointed by the government by those different acts of Congress and these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors patsy Pebworth or any other go before either of these two commissions and claim any benefits under article fourteen of that treaty? A I dont know.
Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land in Mississippi Alabama Louisiana or Arkansas to take the place of land which they had held in the old Choctaw Nation and which the government had taken from them and sold? A I dont know.

This scrip was issued under act of Congress approved August 23 1842; these commissions that I spoke to you about a moment ago one in 1837 and the other in 1842 were appointed by different acts of Congress because a great many Choctaw Indians claimed that they had tried to register under article fourteen of the treaty of 1830 within six months after that treaty was ratified but Colonel Ward refused to allow them to register and because he did refuse to allow them to do this the government came along with its agents and took their land from them in the old Choctaw Nation and sold it; they made a great many complaints and these commissions were appointed to hear their complaints and give them land back to take the place of the land that had been taken from them if they showed they had a right to take it back.

- Q You never heard that any of your ancestors patsy Pebworth or any other went before either of these two commissions - or don't you remember? A I dont remember.
Q Do you understand the Choctaw language? A No sir.
Q You dont speak or understand it? A No sir I cant talk it; I know a good many words.
Q But you don't speak in yourself? A No sir.

This applicant will be allowed time up to and including the fifth day of March 1903 during which time other proof evidence or testimony will be accepted by the Commission in support of this application.

- Q Do you want to have your case consolidated with the case of Vasey V. Pebworth and others? A Yes.
Q Your attorney says you do; do you want to have it consolidated with this case? A Yes.

The case of Vasey V. Pebworth et al N. E. 8144 is here referred to for the purpose of consolidation.

- Q What relation are you to Vassey V. Pebsworth? A I dont know; I dont know her.
Q You are her great aunt are you not? A Yes sir.
Q You remember that now do you? A Yes sir.

Examination by Mr. Cole.

- Q Do you remember anything about the time you left Alabama to come to Arkansas? A No I dont remember.
Q You dont remember any circumstances? A No sir.
Q You lived in Alabama? A Yes sir.
Q Near what town? A I dont know the name of the town.
Q Near what river? A Across the river; it must have been the Bigbee river.
Q The Tom Bigbee River? A Yes sir.
Q You claim through your mother Patsy Pebworth? A Yes sir.
Q How many children had Patsy Pebworth? A Any, Joe, Bob, Caroline, myself and my sister; I believe that's all; John.
Q Was there one named John? A Yes sir.
Q How many children have you? A I haven't got but two living?
Q What are their names? A Josiah Manly, the other Robert Lucius.
Q Did your father have any land back there? A I dont know; I dont expect he did; my mother owned all they had.
Q Your mother owned the land? A Yes sir.
Q Your mother owned the land where you lived? A Yes sir.
Q You dont know how she got the land? A By the Choctaw blood I reckon. She had a Choctaw claim you know; I reckon it must have been because she was a Choctaw.
Q But she owned the land, the place where she lived? A Yes sir.

By the Commission.

- Q You heard your sister Mary A. Clover state that if her great niece Vassey V. Pebsworth claimed her Choctaw blood through Henry Pebworth instead of his wife Patsy Pebworth it was a mistake. Do you consider that you claim your Choctaw blood through Patsy the wife of Henry? A Yes sir.
Q You dont claim through Henry at all do you? A No sir.
Q And she made a mistake when she claimed through Henry, I mean Vassey V. Pebworth? A Yes sir.
Q Henry Pebworth the husband of Patsy was a white man was he?
A Yes sir.
Q I notice that your name is Matilda Clover and your sisters name is Mary A. Clover; these are both married names of your self and sister are they not? A Yes sir.
Q You two sisters married two brothers? A Yes sir,

This applicant has the appearance and physical characteristics of being descended from white parentage except that her hair which is now gray was black; her eyes are blue and her complexion is medium dark; she understands some words in the Choctaw language but is not able to converse in that language; she has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Wood being first duly sworn states that she reported the above case on the 27th day of February 1903 and that the above and foregoing is a true and correct transcript of stenographic notes of the proceedings in said case on said date.

Subscribed and sworn to before me this 14th day of March 1903

Charles H. H. H.
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, December 17, 1903.

In the matter of the application ::
of MATILDA CLOVER, et al., for ::
identification as Mississippi ::
Choctaws. ::

Hearing at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on the 17th day of December, A.D., 1903, upon the motion of Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, for a reconsideration of the decision of the Commission of October 27th, 1903.

ORAL ARGUMENT BY MELVERN CORNISH.

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Now, if the Commission please, we did not exactly anticipate that there would be an oral argument in this case until informed by the Commission that we would be heard orally on this day. Our request was to be heard in support of our motion heretofore filed either orally or by brief, and inasmuch as our views with reference to the criticism of the Commission's decision has been set forth fully in writing in the form of a brief, we could offer very little in addition to what is there set forth, but inasmuch as the day is fixed for arguments we feel it to be our duty and appear here at this time.

Now, if the Commission please, I believe this is the first case in which we have appeared before the Commission with reference to the questions of law and fact growing out of the applications of persons for identification as Mississippi Choctaws. I may state that until quite recently we had no special instructions to take up each individual or particular Mississippi Choctaw case on behalf of the Tribes, but such cases were presented generally, but at this time and hence-

forth we are especially instructed on behalf of the Tribes, to take up each Mississippi Choctaw case and try it as thoroughly and fully as we have hoped or expected to try all other cases.

Now, our view is this, and that is in a word: That the evidence in this case does not warrant the decision of the Commission. We believe, in a word, the contention which we have discussed at length in our brief.

These persons are applicants before the Commission for identification as Mississippi Choctaws. Now, if the Commission please, according to our view, before those persons are entitled to be identified as Mississippi Choctaws and placed in a position where they have a right to share in the property of these Tribes it is necessary for them to establish before this Commission and the Secretary of the Interior two facts, and those two things must be established by conclusive evidence. Those two requisites are first; that the ancestors through whom the present applicants claim was in fact a fourteenth Article Mississippi Choctaw Indian of recognized status, and secondly, that these persons are the descendants of that particular person. Now, those are the two requisites. Here are a dozen applicants, we will say, they claim to be the descendants of John Smith. Now, it is necessary for them to establish before this Commission, not only by a preponderance of the evidence, and to that I shall address myself in a moment, but they must convince this Commission by the most conclusive evidence that they are the direct descendants of John Smith. That is the first requisite. And that John Smith, their ancestor, was a Choctaw Indian of the Fourteenth Article of the Treaty of 1830.

Now, if the Commission please, we observe this condition in reading - particularly in looking over and examining the reports of the Indian Office in these cases. We observe the same condition with reference to the consideration of various other citizenship claimants. The claimants ~~themselves~~ would establish that they were the descendants of a man named John Smith, and then they would point to the record and establish, either by record evidence or by other evidence, that there was a Choctaw Indian named John Smith. Now, it is easy to do that, but if the Commission please, the requirement has not been strong enough and is not strong enough in this case according to our view. With reference to the evidence that the particular John Smith or as the ancestor of this applicant is the particular John Smith whose name is on Ward Roll; that is the connecting link. It will not avail those people to prove that they are the descendants of John Smith and then point to the roll and say, there is the name of John Smith on the roll, and then throw those two ~~things~~ facts together and make a case. It is necessary, as I say, they have to establish by conclusive evidence, by evidence that does not admit of a doubt, that their particular ancestor having the name John Smith was the identical person whose name is on the roll. Now, that has not been done in this case.

In this case the applicants seem to establish that their ancestor was named Henry Peabworth, who was married to Patay Peabworth, and that is the way the case stands. Now, if the Commission please, that has not been done in this case. That has not been done in this case. We stand squarely upon the

record and the detail portions set forth in our brief. If the Commission please, there is no evidence - there is absolutely no evidence in this case, if the Commission please, to show that the ancestor of these people whose name was Henry Pebworth was the particular Henry Pebworth who had a status under the treaty of 1830.

Now, if the Commission please, there is a certain phase in the argument we haven't brought forth in our brief, I will refer to that at this time. It is not a question for us to concern ourselves with the difficulties that will face these people because that is no concern of the Choctaw Nation; if it is difficult for them to establish their claim after the long lapse in this case it is their own fault, that condition does not enter here. As I say, the highest character of proof of the identity of the ancestors of the claimants, the highest character of proof is to produce the whole proceeding to the land which was conveyed under the fourteenth article of the treaty of 1830 to John Smith or Henry Pebworth, as the case may be. Now, if the Commission please, on Ward's Roll there is a Henry Pebworth, and if that particular Henry Pebworth whose name appears upon the roll and reservations of land was set apart to him, that land, if the Commission please, has a physical existence at this time; that land is in existence. That land can be located. Now, if these people are the people they say they are; if these people are the descendants of the particular man who received land under the Fourteenth Article of the Treaty of 1830, that is the very highest evidence to require them to tie themselves to the particular land which was conveyed under the Treaty of 1830 to Henry Pebworth. These people absolutely refused although - I will pass and come back to that. The entire case, the conclusions of the Commission rest entirely, as stated on the face of the decision, upon the evidence of two claimants, Matilda Clover and Mary Clover. Those are the two oldest applicants and the Commission's own decision states that its conclusion is based upon the testimony of those two women - that is their case or they haven't any. Now, notwithstanding, as I say, the reasonable requirement that these people tie themselves to the particular land which, as will be shown by the records of the Government of the United States, was conveyed to Henry Pebworth, notwithstanding the reasonableness and the necessity for that claim, these people absolutely refused in their deposition and in their examination before the Commission to fix the locality in the State of Alabama or Mississippi from which they originated, although, according to their own evidence one of the women was eight years old when she left her original home and the other one was twelve years old. They simply refused to state or fix any locality or give any information which would tend to establish the locality or which would enable us or the Commission to determine they are the persons they claim to be; they refused to give any information which would enable the Choctaw and Chickasaw Nations to determine whether they are the persons they claim to be. I will not take up the time of the Commission to go through the proof, but simply state our views with reference to the weight of the evidence as therein set forth. For instance, one of these

witnesses, her first evidence was in the form of a deposition taken upon interrogatories, then she came before the Commission and gave oral evidence, and then both of them came before the Commission and gave oral evidence, and then subsequent to that their depositions were again taken upon interrogatories, and, as will be shown by the portions of their testimony to which this brief makes reference to, calls attention, it will be shown that the various statements of those witnesses are entirely conflicting and entirely inconsistent and do not warrant the conclusion which the Commission has reached in this case.

Now, if the Commission please, it is not our view that the Commission wishes to do the Choctaw and Chickasaw Nations an injury, that is not our view, it is not our view that the Commission wishes to promulgate a decision which contains erroneous statements of fact. If this was our view we would not be here before this Commission. If it was our view that the Commission would stand by statements, which, as shown by the record, were erroneous and not correct, we would not be here to ask that the Commission correct the errors which manifestly appear in its decision.

In the decision of the Commission certain facts are declared to be established by the testimony of the two witnesses whose evidence has been considered, and we shall now pass to a consideration of these alleged proven facts, in the order in which they are stated, and note wherein the conclusions therein appearing are not supported by the evidence. We quote the following from the decision of the Commission:

"It appears that Matilda Clover applicant in M.C. R. 6790, and Mary Clover, applicant in M.C.R. 6789, are more conversant with their family history than any of the other applicants, and from their testimony it appears that they are the children of Henry Peabworth, a white man, and Patsy Peabworth, nee McCann (or McCann) a full blood Choctaw Indian".

So far this statement is correct, but the decision contains, in the same sentence, and still basing the conclusion on the testimony of these two witnesses, "that the other applicants herein are lineal descendants of said ancestors."

The Commission states in its decision that from the testimony of Mary Clover and Matilda Clover it appears that all of the applicants in this case are the descendants of the Henry Peabworth named. This fact does not appear from the testimony of these two witnesses. The only applicants mentioned by these two witnesses are themselves, the son of Matilda Clover, whose name is not given, the son of Mary Clover, William, and Vassay V. Peabworth.

I will then pass on to other errors of facts in the decision which I want to discuss. I call attention to that as the first error in the decision wherein it is stated that from the testimony of these two witnesses certain facts appear. However, an examination of the testimony will show that those facts do not appear.

In regard to the last named applicant, witness Mary Clover denies even knowing her until prompted by the examiner to say that witness is her great aunt.

The next conclusion drawn by the Commission from the testimony of these two witnesses is perhaps the most glaringly inaccurate of any in the decision. We quote from the decision:

"They were born in the Choctaw Nation in Mississippi and resided there until 1828 or 29, when they removed with their parents to the Alabama strip on the Tom Bigbee River."

A glance at what witnesses really say shows the utter lack of foundation that such a conclusion has in the record. On this point Matilda Clover testified as follows:

Deposition of September 24, 1902:

"I was born in Mississippi in 1824. Do not know the County, I later moved to Alabama on the Tom Bigbee River strip on the Tom Bigbee River does not know where she resided in 1830 but supposes in Mississippi does not know when she moved to Alabama."

of the same witness:

Testimony before Commission, February 27, 1903:

"Where did you live before you lived in Arkansas?

A. Alabama.

"Were you born in Alabama? A I don't know whether I was or not; I must have been.

"You think you were? A Yes, sir.

"You never heard that you lived in any other State except Alabama or Arkansas? A. Father had two places; one place up in Alabama and then we moved out here.

"Then you have lived in Alabama and Arkansas? A. Yes sir. "Did she (Patsy Peabworth), ever live in Mississippi?

A I don't know whether she did or not; I think she did.

"Was she very near the line between Mississippi and Alabama? A. Yes sir.

"And can you tell whether it was in Mississippi or Alabama or did she move about? A She moved from one place up in Alabama to another place in Alabama.

"Were they living in the old Choctaw Nation? A Yes sir.

"Do you know in what County they lived? A. No sir."

In the deposition given by this witness on May 1, 1903, this point is not touched.

On this question Mary Clover has also testified. We quote:

Testimony before Commission February 27, 1903:

"Where were you born? A. Born in Alabama, I reckon.

"Do you remember where in Alabama? A. No sir, I don't.

"How long did you live in Alabama before you left that State? A I can't tell you that.

"Did you leave when you were a little girl? A Yes, sir.

"And where did you go? A To Arkansas.

"And you have been in Arkansas ever since? A Yes sir.

"You were born in Mississippi or Alabama? A Yes sir. I was born in Alabama, I reckon."

This is simply an extract which appears in full in the brief and parallels the extract from the testimony of the other witness.

Again the Commission state that from the statements of these two witnesses it appears "That they were born in the old Choctaw Nation in Mississippi and resided there until about the year 1828 or 29, when they removed with their parents to the Alabama strip on the Tom Bigbee River". Not only do the witnesses testify otherwise, but they maintain the contrary in the face of the most leading and suggestive examination on the part of the examiner and their own attorney.

In the same sentence in the decision, still basing the statement on the testimony of Matilda and Mary Clover, the Commission declares "that they started for the Indian Territory in the year 1836 with a large number of Indians, but upon their arrival at Clark County, Arkansas, they decided to remain." This statement has little more foundation in the record than the preceding one which we have considered..

Then we set forth in our brief parts of the testimony of Matilda Clover before the Commission on February 27, 1903, ~~xxxxxxxxxxxx~~; also parts of the testimony of Mary Clover in regard to the removal to Arkansas, given before the Commission on February 27, 1903. Then we say:

It will therefore be seen that to say they started "for the Indian Territory in 1836" is a mere gratuity on the part of the Commission. Witnesses nowhere say they started to the Indian Territory. As a result of several grossly leading questions they give a grudging assent to the proposition that "they started with the Indians". This statement, however, is robbed of all persuasive force in view of the manner of the examination by which it was elicited and the utter lack of recollection on the part of the witness respecting the facts and circumstances of and just preceding the removal. As a matter of fact they stopped in Arkansas and in the absence of further light it would seem more reasonable to presume that Arkansas was their original destination. The part of Arkansas in which they located is not adjacent to the Indian Territory, and if the Indian Territory was the point at which they were aiming no reason is shown for the failure to continue their journey for the additional hundred miles or so, which, if their claim is well founded, would have placed them among their own kindred and upon land which would have been theirs without cost and at a time when they would have had at hand the evidence necessary to have established their claim.

They absolutely and positively refused to give that information which was sought to be elicited in order that it might be determined just where they lived in the State of Mississippi or Alabama, in order that the land originally conferred to Henry Pebworth may be looked up and in order that it may be determined whether these people lived on that particular land or one hundred miles in the other direction in some other part of the country.

Now, if the Commission please, the decision concludes with a statement to which I wish to address myself as a means of informing the Commission our view and the manner of the consideration of that principle of the law under which the Commission is proceeding. The Commission states that from the evidence of these two witnesses it is reasonable to conclude that these people are what they claim to be. Now, if the Commission please, that would be the conclusion of the Commission in an adversary proceeding, in a proceeding where the litigants stood upon equal terms before a court or a tribunal. But, if the Commission please, this Commission is vested with the power and charged with the duty under existing law to require these applicants to prove their case, of requiring these applicants, without reference to what may be done by the Choctaw and Chickasaw Nations, without reference to what may be done by any one interested in the case, this Commission is vested with power and charged with the duty as the representative of the Government of the United States, in the distribution of the property of the Choctaws and Chickasaws, this Commission is vested with the power and charged with the duty, before it delivers a share of the property of the Choctaws and Chickasaws, of its own motion, acting in pursuance of its own power and duty, to require each applicant to show by convincing and conclusive evidence that he is entitled to the property before it is delivered to him.

We take it that it is not a proper principle of law to say that "from the evidence it is reasonable to conclude." We think the duty rests upon the Commission to require the applicants to make out their case by the most conclusive and incontrovertible evidence before they have placed themselves in a position to share in this property.

I think this is about all I care to say, except to say further, that an examination of the record will show that the testimony in this case, the original depositions taken upon interrogatories, the oral examination taken before the Commission, and the subsequent evidence upon oral interrogatories, are conflicting and establish nothing, and all considered together do not warrant the conclusion that the Commission has reached. We feel that it is but fair and just to the Choctaws and Chickasaws that the Commission withdraw its decision and give the parties an opportunity, if they see fit to do so, to prove their case.

If this Henry Pebworth whose name is on the role and through whom they claim acquired land, now, these people can, if they are what they claim to be, they can prove to this Commission by evidence which is indisputable and which is conclusive that they are the descendants of a particular man who acquired particular land, designated upon a particular creek, in a particular county, near a particular town, in the State of Alabama or Mississippi. Now, one of them was eight

-- 8 --

years old and the other twelve years old, according to their own testimony, when they left there. They can give evidence that will cause the Commission to know they are frauds or will establish their claims conclusively, that before the property of the Tribes valued at a quarter of a million dollars ~~xxx~~ is delivered to these people they will be required to prove their case. If they prove their case this Commission ought to identify them; if they do not prove their case, according to the practice or rules of law as applied to the tribunals - if they don't prove their case the Commission should not identify them.

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ORAL ARGUMENT BY MR. J. C. RAILS.

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May it please the Commission, I have read this brief carefully and have looked over the evidence of the old ladies referred to in their brief. I was not present when they testified and I find that this condition of affairs exists: The examination of the ladies when they were here was conducted almost exclusively by the Commission. The Commission propounded the questions and elicited the answers. The further examination as conducted by Mr. Cole, who was here in person, and who was prevented from being here to-day on account of the sickness of his father, is very limited and does not appear to develop anything in addition to that brought out by the Commission. Now, I have been present in a great many cases where persons were applying as Mississippi Choctaws and the rule, as I understood it, and as was adhered to, was that the Commission examined applicants; they had a list of questions that were prepared by the Secretary of the Interior with directions to the Commission to bring out certain facts as therein indicated. My recollection is that each person having charge of these applications had before him a copy of the instructions from the Secretary of the Interior, and followed very closely the lines therein mapped out. I presume that was ~~the~~ ~~the~~ ~~the~~ for the purpose of getting at the whole truth and presume it was thought well to do that in order to let the Commission get the statement of the witnesses or of the applicant as far as the applicants can state, before questions were propounded by the attorney representing the applicants, and in that way whatever the witness might know or might not know would be developed before there would be any chance for the attorney to suggest any matter that might refresh the mind of the witness as to any particular matter.

Now, that line seems to have been followed in this case, and the assertions in this brief seem to have been based upon an erroneous idea of what the record contains. I don't know whether the gentlemen who presents the arguments here to-day has read this record or not, but I do know, from an inspection of this record, that they have missed the record very far. Both of these old ladies all the way through claim that they are over seventy years of age. They gave their names; they gave the names of their brothers and their sisters; they gave the name of their father as Henry Peabworth, a white man, they gave the name of their mother as Patsy Peabworth, an Indian woman, who was deaf and dumb. They gave the place they lived in Alabama as the Tom Bigbee River. They mention their neighbors, one Lewis Robinson and one Way-Tubbee and McCann, and they mention the name of Robinson Ferry below them and of McCann Ferry above them. Now, as a matter of history we know that there are such ferries there. We know there is such a river as Tom Bigbee River. We know there is such land as described in this patent. We know that Township 22, south, range 17 West, is located in the old Choctaw Nation. We know that the sections therein described

in this patent as fractional sections are made so by virtue of the fact that the Tom Bigbee River, which was a meandering river, has deducted from those sections certain lands. I know on inspection of the Government records that Lewis Robinson got land in that vicinity. We know that Way Tubbee got land in that vicinity. Now, for the information of the gentlemen on the other side I have procured a map of the State of Alabama, showing the location of this land as described in this patent, and for the information of the Commission, if it has not been examined, I desire to call your attention to the description of the land as given. It is alleged to be in the Tuscaloosa Land District. I have before me a page from Rand, McNally's Atlas of the World, which has been taken from that book, showing the numbering of the townships by ranges and by township lines, and if the Commission cares to examine this I have indicated here the manner in which this land is described. The land mentioned in this patent is described as being Range Seventeen west and twenty-two south. You will notice, commencing at the Meridian, Huntzey's Meridian running through near the center of North Alabama, the numbering of the ranges run west to seventeen, it is cut by the state line of Alabama and Mississippi. The numbering of the townships run south from the north of Alabama, running to a base line which lies immediately south of Township Twenty-Two. Now, if you will note, just below that line the numbering of the ranges and townships are different, and if you would consider one township below the one in controversy and running west seventeen from that perhaps would throw you across the Mississippi River. There would be no such land in the old Choctaw Nation if that land were located south of that base line. So, I very readily see how the gentlemen on the other side perhaps not examining this in detail themselves, but trusting to some other person, haven't understood the survey of the State of Alabama. Now, a further inspection of this shows that township twenty-two south, range seventeen west, is a fractional township and the Tom Bigbee river traverses that township. As a further detail I have before me a map of that township as on file in Pickens County, Alabama, showing the sections and the location of the ~~Tom~~ Tom Bigbee River with reference to the sections, and by an inspection of that you will find that section twenty-two is a fractional section. Section twenty-three is a fractional section, likewise are twenty-four and twenty-six.

Now, an inspection of the Government record will show that there is a little town called Memphis down about section twenty-two, I think, and that below that town there is what is known as Robinson's Ferry. Now, you will find, on inspection of the Government records, that land was awarded to Lewis Robinson adjoining the land awarded to Henry Peabworth. You will also find that this Indian Way-Tubbee had land there, and perhaps McCann, but I am not sure of that, so you see that the land awarded to Henry Peabworth was on the Tom Bigbee River, a portion of it, and that section twenty-two described in the patent is a fractional section, made so by reason of the fact that the Tom Bigbee River takes a part out of that section. So there can be no question as to the fact that the attorneys for the nation are mistaken in their allegation

that there was no such land as the land in controversy. They go so far as to say that we were not fair with the Commission or we would have informed them that no such land existed. They say further: "This remarkable failure of memory, (referring to the witnesses), however, is explained by the fact that there is no such land as is described in the patent. The land does not exist. Of this fact applicants and their attorneys were fully advised, and had they been perfectly frank with the Commission they would not have left this fact to be discovered by investigation."

Now, they appear to have discredited the old ladies entirely because they had a misapprehension of the survey of the State of Alabama. Of course, we readily understand how a human being if they find as they think that a witness has storiied, misled a person about a certain thing, they therefore have lied about everything, and perhaps if I had been in their place and reached the same conclusion there was no such land there I would have reached the conclusion that the whole thing was a put up job, and I think that will explain, to some extent, the animus expressed in this brief.

Now, let us see, I say that these ~~applicants have made out a case beyond a reasonable doubt.~~ If it were a crime for being a descendant of the Henry Pebworth who got that land, who married a Choctaw woman, and the punishment were death, this proof justifies you in convicting. You consider that the two old ladies - there is no dispute about those propositions now, that there are two old ladies named Matilda Clover and Mary Clover; they married brothers, their husbands being white men; they had a mother named Patsy Pebworth, who was deaf and dumb; they had a father named Henry Pebworth, who was a white man. The mother was a full-blood Choctaw. They lived on the Tom Bigbee River in the State of Alabama some where. One of them says near the Mississippi line. An examination of the record here shows would be there near the line between Alabama and Mississippi. Now, there was a Pebworth that complied with Article 14 of the Treaty of 1830. Let us see how remarkably strange it is, if they are not telling the truth that the records corroborate what they have stated. On an examination of page 686 of Volume Eight of American ~~Map~~ State Papers, we find that on July the second, 1831, Henry Pebworth, who was at that time the father of four children under ten years of age, and the father of two children over ten years of age, and who was a white man and had an Indian wife, registered before Mr. Ward, who was United States Indian Agent - Now, we find further, on page 686, that the same person appears as having registered on the same date and of the same description, and then following across to the next page it gives under the head of general remarks the location of the land. We find that Henry Pebworth was on the Tom Bigbee River. In that there is a little discrepancy as to the date of entry and the other. In the last it is given as June the 30th, 1831, which, of course, is immaterial. Now, going back to page 686, you find in the same connection that on July the 5th, 1831, a man named Lewis Robinson appeared before Mr. Ward and registered, and he appears to be a white man, with an Indian wife. Now, on page 689 you will find the same Lewis Robinson as being located on the Tom Bigbee River. You follow that up and you find the patent is issued describing the lands - you find that this Lewis Robinson got the two

sections immediately east of section twenty-two, and also got section twenty-five in the same township, and got the south-east quarter of Section twenty-six. You will find that this man Way-Tubbee, who was provided for, I think under the treaty of 1830, either in the main body or in the supplement, got the North-East Quarter of Section Twenty-Six. Now, by referring to the map again you find a little town called Memphis, just west of the Tom Bigbee River. This map does not show the location of the ferries referred to by the old lady in her evidence. My understanding is that the old map of the Government, showing the location of this country as it existed when the treaty was made, shows the location of those ferries. Now, if we should say this was based upon circumstances what conclusion could a reasonable person reach except the conclusion that this Commission has announced in its decision? Could any fair-minded man say that although there is nothing to contradict these women - there is nothing to contradict a witness in this case - they go back to where they are corroborated by the map, by the survey, and the impressions they got in their early days while very vague are they they lived on the Tom Bigbee River near the State line; that their mother was an Indian woman, their father a white man; that the government records show there was such a man there, that he had an Indian wife, that the neighbors are those mentioned by the old women. I say, what other conclusion could be reached in the face of the fact that there is nothing in this record that contradicts these old women? Now, the Commission knows that in the examination of witnesses, especially old persons who came from back there, and more especially among the Indians, it is not infrequent to find a person who does not know the name of his father and mother, who did not know their ages, where they were born or where they died; they did not know the names of their brothers and sisters or their ages; and perhaps it might be suggested that if we were inquired of ourselves if, without studying the matter over, we could give the names and ages of our own brothers and sisters, if we could give the ages of our own parents, where they were born. It might be that some of us would be puzzled to answer those questions off-hand. We might on different occasions vary considerably on those things, that the attorneys in this case insist are very material. My experience in the last fifteen years in practicing law has been that you cannot expect witnesses to all testify the same. You can't expect an honest witness to testify to the same thing each time and not vary. They testify as their memories serve them at the time they are talking, and they answer questions as they remember them at the time they are answering, and it might be that if they had time to refresh their memories and reflect and talk with old acquaintances they would change their evidence and be just as positive in the last statement that would to some extent contradict the former as they were in the former. It is a ear-mark of truth of a witness, where you find a witness testified in with reference to old matters to identically the same thing on each occasion you have either struck a remarkable witness or you have struck one that has got his tale fixed

up. Now, that has been my observation and I dare say the Commission will agree with me, that this is about the sum and substance of the way to weigh the evidence and the evidence in this case.

I had expected to file a short brief, but inasmuch as this was to be argued orally, and I reached the conclusion, that the attorneys for the Nation had inserted in their brief allegations which I find here, believing as a matter of fact that no such land existed, I did not file the brief at this time hoping to give them a chance to get themselves right on that proposition. I had hoped that that part would go out of this case, and it would not be necessary for us to complicate matters by proof of records which should be in the possession of the attorneys for the Nation, and which would be easily accessible, and would not be necessary further to show to this Commission that they had briefed a proposition to you and made allegations about which they practically knew nothing.

BY MR. CORWISH:

If you have really located the land, why, that is the very thing we want to do, and that would be our idea of the real beginning of the case. I hope you have done so. Can you point out the land?

BY MR. RALLS:

We have filed a certified copy of the patent, showing where it is located. That patent calls the attention to the fact it is located in a certain section, certain township and a certain Land District. Any map perhaps would show you where it is located. The official record of the Government show where it is located, and the Tom Bigbee River is a meandering river is a matter of geography. We know where it is and you are presumed to know.

BY MR. CORWISH:

You mean you can point on that map and show the exact location of the land shown in the Henry Peabworth patent?

BY MR. RALLS:

Certainly, that is what I am talking about.

BY MR. CORWISH:

All right.

BY MR. RALLS:

Now, the line between Alabama and Mississippi has been changed to some extent. I haven't a map here showing just what change was made. My opinion is, however, that the township in which this land is located at this time, so far as the State of Alabama is concerned, is a fractional township, but that survey was made before that line was changed and at the time the survey was made, it is my understanding, that the township was a whole.

BY MR. CORNISH:

Then, I understand that the township which is described in the Henry Peabworth patent does not appear on that map, and does not appear for the reason that some change has been made in the line?

BY MR. RAILS:

No, sir, the land is described, the township is designated in the Henry Peabworth patent, is shown on this map. As I said before, this map is taken from Rand, McNally and Company's Indexed Atlas of the World, showing the State of Alabama. That has been out for several years, with some revised editions of it. Now, I presume if we would strike the western boundary of that township the sections as described by the Government would be described as fractional sections. Under our present mode of surveying the fractions of those sections would be thrown into the west forty acre tract along that side of the township and along the north side, and that is described by the government patent, the whole section is called a fraction, containing so many acres, and I think it will be found that section thirty, which was a fractional section, was also awarded to this man Lewis Robinson. The Indian Meridian, or the meridian fixed immediately south of the township referred to is known as Stern's Meridian, and the ranges are numbered east and west with regard to that principal meridian, up to the base line which intersects the State of Alabama, but north of that base line the ranges are numbered east and west from, I think it is Huntzly's Meridian, which extends to the north line of the State of Alabama. Now, as to how much further west these ranges run in the Tuscaloosa Land District I can not say at this particular time. I have not before me the map of the State of Mississippi, showing that part. Now, what I have said with reference to the records is followed up in Volume 7 of the American State Papers, showing that Henry Peabworth complied with Article Fourteen of the Treaty of 1830. It is also followed up in the reports made by the Secretary of the Interior upon an order upon him to produce the official documents to the Court of Claims in what is known as the Net Proceeds case, and all the way through it shows this man Peabworth is the identical one.

Now, these old ladies name the children of Henry Peabworth and Patay Peabworth. They say there were seven of them, and a half brother, I think; they say one of them was born about two years before they went to Arkansas. Of course, the name of that last one would not be included in the Government records; there would be only six of them. As I stated before, the record shows on the 27th day of September, 1830, Henry and Patay Peabworth had four children under ten years of age and they had two children over ten years of age. Now, the evidence of these two witnesses show that there were four children older than they - I think it was four. By a reasonable way of looking at the matter we would see that would make two of these children over ten years of age at the time this treaty was made. They say they left Alabama and went

to Arkansas on their way to the Indian Territory and stopped over here in Clark County. Now, I take it for granted that as a matter of geography that where they went would be somewhat on the line of the Indian Territory; they say they got there when they were small and they say that their father and mother died there.

Now, I have in my possession an old document which has not been introduced, and perhaps it is the document referred to by the old lady when she says by the court records they must have gone there about 1836 or 1837. I have in my possession a bond executed by Henry Debworth of that county to answer the charge of assault and battery, that appears to have been executed in 1837, taken before some justice of the peace over there.

BY COMMISSIONER NEEDLES:

In Arkansas?

BY MR. RALLS:

Yes, sir.

Of course, that has not been filed and made a part of the record, as it was not known to Mr. Cole at that particular time, but if the Commission would like to examine it as a matter of curiosity I have no objections. It is written with pen and ink and the caption is "State of Arkansas, County of Clarke", then "United States of America". It says, "On the 14th day of September, 1837 --

BY CHAIRMAN:

Your time is up.

Very well, I say, that in view of all those facts the Commission could not reach any other conclusion. In view of that I do not feel I ought to go in detail into the evidence to justify the Commission. I think the Commission needs no justification except the inspection of the records that is in this case and in possession of the Commission.

The land is described in the patent as section twenty-two south, township twenty-two south, range seventeen west. You will only find in this map the particular township, is enclosed in blue pencil, that is seventeen west of the Huntsey's Meridian, and it is twenty-two south of the base line. You will find, numbering along the Indian Meridian I have just referred to, commencing at number one, which is the north of Alabama, running to twenty-two, in which is the south part of that particular description of land; then commencing south of that -

BY MR. CORNISH:

What authority would you have for commencing south of that line rather than north?

BY MR. RALLS:

Because that is the base line. That is a particular survey and is in the Tuscaloosa Land District.

-- 16 --

BY MR. CORNISH:

I see no authority for beginning from that base line instead of that base line, (indicating on map.) I hope it is correct.

BY MR. RALLS:

This survey that is referred to is made the south of the base line, consequently they would number north and south of that base line.

ORAL ARGUMENT BY MR. GEORGE A. MANSFIELD.

I want to speak to the Commission just a little while. I assume the Commission in dealing with these matters will deal with them under the ordinary rules of evidence just as a court would; I don't think it is necessary to go over the books. I think that ought to be done. This Commission has been held to be a court and the Commission will proceed along the same line as a court.

I want to say in criticizing the decision of the Commission, I understand we are at liberty to do that - we do that in no improper spirit. I have examined the record, but I am not familiar with the facts spoken of by Mr. Ralls about the sections of the land, nor do I think it comes necessarily in this case. I think the decision of the Commission taken upon its face if rendered by a court of appeal would be reversed. I think that the evidence presented here does not warrant the conclusions reached by the Commission, and I think that appears by the face of this decision. As I understand the evidence, it nowhere appears by any sort of testimony that the Henry Belworth that these people claim under was the identical Henry Belworth that got this patent. Now, Mr. Ralls speaks of a reasonable assumption. That is exactly what we are objecting to. I take it that this Commission has no right to give away the property of these Tribes by a reasonable assumption. I take it that before a judgment is rendered on certain facts there must be proof, and that proof must be legal proof, and that legal proof must be sustained by conclusive evidence, and must be more than a reasonable conclusion from the testimony and the facts set forth.

I want to ask this Commission, is there a court in this land, if I were to sue for certain land granted by the United States Government to George W. Mansfield, of Scottsville, Kentucky, my grandfather, for services done him in the war of 1812, would I not be required to show first - if I was suing for lands taken under a patent - suppose I took the stand and testified just like these two old ladies testified - look at it in no other standpoint - would I be required - would I be held by any court to establish first, that I was an heir of George W. Mansfield, of Scottsville, Kentucky, and if I testified to that assumption sufficiently, would I not be held to show that he was the identical man who received that patent for land; would I not have to positively prove that my grand-father's name was George W. Mansfield and that he was the identical man who received this patent. I could not simply go before the court and say my grand-father was named George W. Mansfield and I have every reason to believe that he is the same man; I have no recollection about whether he ever got a patent from the Government or not, but I know the name is the same, I know he received a patent for the land, that proof would be held insufficient. Suppose I was to sue Major Breakinridge for a piece of land, would any court held that I could recover fifty or sixty thousand dollars on that character of testimony? There is no other way. It devolves on these people as a matter of law to show that they complied with the fourteenth Article of the Treaty of 1830.

I understand from this testimony that these people virtually do not know anything about their history. I understand from the decision of the Commission - the Commission in its decision undertakes to explain certain discrepancies in this testimony. Not only is this testimony weak, but this testimony is so weak that the Commission felt called upon to explain that apparent discrepancy. Well, now, a discrepancy in that testimony weakens all that weak testimony which has been offered in this case.

Further, the Commission, not only attempts to explain the discrepancy, but the Commission says in conclusion: "The applicants claim that Henry Pebworth was a full-blood Choctaw Indian and that Patsy Pebworth was a white woman, or possessed of very little Choctaw blood. This discrepancy may be accounted for in view of the fact that their mothers, who made the applications in their behalf were unacquainted with the history of the Pebworth family." Well, now, suppose I were to come in and say, "I can't say anything about that, I want this land that Major Breckinridge has got, I want to dispossess him." I might explain any discrepancy between what I swore about this matter and my brother John swore about it by reason of the fact that my brother John and I are not acquainted with the family history and we can't testify about it. That is not the way to explain the testimony. If that discrepancy exists - let us take the bull by the horns - I assume the Commission have seen these women, they appeared before the Commission and testified. I understand - I may be in error about this matter, not being so familiar with the facts - that part of these people testified that their father was a white man and their mother a full blood Choctaw. I understand from this testimony that part of them testified that Henry Pebworth was a white man and part of them testified that he was a full blood Indian; it is my understanding that none of these people could possibly possess any degree of Indian blood. There is no fact that would lead to that deduction at all. If this man Pebworth in the State of Alabama took land under that treaty of 1830 he was bound to sell this land. The court would assume that he disposed of it, that he disposed of that land; he must have sold it to somebody; he must have given something to show; there is nothing in the record to show that these people were ever connected with this land, except the bare fact that Henry Pebworth was on the roll. Now, anybody can do that. If that is all that is necessary is for an applicant to look up a name on the roll and find a name that he wishes to identify himself with and make his proof, without any proof to show that the man was their father.

The decision of the Commission says, "It is therefore, reasonable to conclude that the Henry Pebworth mentioned in said record and to whom said patent of land was issued was their father; that Patsy Pebworth, a full-blood Choctaw Indian, was their mother, and that the other applicants herein are their lineal descendants." Now, the Commission ought to rewrite this opinion and say that the Commission therefore find by a fair preponderance of the testimony in this case, competent testimony, that Henry Pebworth mentioned in the record was the man to whom the patent was issued, and he was the ancestor of these people. They say, "It is reasonable to conclude."

I don't know of any court in the world that would say in concluding, "It is reasonable to conclude." It is not such an opinion as would be sustained by the court. It is not sufficient to say, "It is reasonable to conclude." He must establish that fact, and if he fails to establish it it is his fault.

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BY MR. RAILS:

I want to call the attention of the Commission to the fact that in their motion they do not claim they have discovered any evidence, any new evidence, they say this evidence is insufficient. A rehearing on the ground that they might afterwards find evidence the rule should require them to state what it was.

BY MR. MANSFIELD:

I want to say that we have long been puzzled to know, as attorneys for the Choctaw and Chickasaw Nations, just how we stand with reference to the rules of law. Occasionally we are told we must comply directly with all the rules of law, and occasionally we are told it is not necessary. We want to adhere to all the rules of law of this Commission. The purpose of the motion is for the Commission to reconsider its decision. This is satisfactory to the Choctaw and Chickasaw Nations, but I may say, following the procedure which we have always followed, if the Commission would reconsider its decision we think it would be entirely reasonable for the Commission to permit these people to prove their case. We ask that it be reconsidered, and if the Commission grants it and in its wisdom permit them to offer additional testimony to make out their case it is agreeable to the Nations that that should be done. We do not ask to take any additional testimony.

BY MR. RAILS:

They ask in their motion that you reconsider your decision. It is to be presumed that they have investigated and have known they have nothing to offer that would modify or contradict the evidence we have offered. Therefore, if this be reconsidered it would mean that these people are to be denied, because under their showing they don't show they have any evidence here that would add anything to it. With that in view we do not see anything for the Commission to do but overrule this motion. If they had evidence they claimed to contradict or modify the evidence heretofore introduced it would be proper for them to state in their brief or in their oral argument on what they rely.

BY MR. CORNISH:

Mr. Ralls will certainly permit us to insist upon what we insist upon. What we insist upon is that the evidence does not support the decision. As to whether proof should be taken if the motion is granted is a matter for the Commission. We say that the evidence does not support the decision. That is what we wish the Commission to hold.

#####

EMILIE A. COTE, being first duly sworn, on oath states, that the above and foregoing is a true transcript of her stenographic notes taken in said cause on said date.

-----*Emilie A. Cote*-----

Subscribed and sworn to before me,
this 21st day of December, A.D., 1903. }

next

-----*John E. Lieber*-----
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Matilda Clover, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Matilda Clover,	M.C.R. 6790
Henry Tucker,	M.C.R. 7243
Charlie McClosky, et al.,	M.C.R. 7242
George Tucker,	M.C.R. 7244
Katie Wilson, et al.,	M.C.R. 7309
Nancy P. Karr, et al.,	M.C.R. 6864
Lou Franklin, et al.,	M.C.R. 6867
Rosie Draper, et al.,	M.C.R. 6868
William Pebworth, et al.,	M.C.R. 6793
David Pebworth, et al.,	M.C.R. 6794
Joe Pebworth, et al.,	M.C.R. 6795
Joewillie Hunter, et al.,	M.C.R. 7246
Earnest Q. Clover, et al.,	M.C.R. 7318
Josiah M. Clover, et al.,	M.C.R. 6792
Mary Clover,	M.C.R. 6789
William Marshall Clover,	M.C.R. 6791
Henry H. Clover, et al.,	M.C.R. 6865
Mary Ann Barr,	M.C.R. 7240
Benjamin J. Guice,	M.C.R. 7241
Willie Ann Lehuw, et al.,	M.C.R. 7245
Freddie C. Ricketts, et al.,	M.C.R. 7307
William G. Jordan,	M.C.R. 7308
Doroth A. Patterson, et al.,	M.C.R. 7421
Vassie V. Pebworth, et al.,	M.C.R. 6144
Roscoe W. Pebworth, et al.,	M.C.R. 6145

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission

by Matilda Clover for herself; by Henry Tucker for himself; by Henry C. McClosky for his two minor children, Charlie and Henry McClosky; by George Tucker for himself; by Katie Wilson for herself and her minor child, William C. Wilson; by Nancy F. Karr for herself and her minor child, Lon Karr; by John A. Franklin for his wife, Lou Franklin, and his three minor children, Alfus R., Homer Lee and Quinon Hubert Franklin; by James Draper for his wife, Rosie Draper, and his two minor children, Maggie and Charlie Draper; by William Pebworth for himself and his six minor children, William H., Lillie May, Pearl, Zelma, Maggie and Josie Pebworth; by David Pebworth for himself and his four minor children, Artie, Charley, Lee and Clarence Pebworth; by Joe Pebworth for himself and his minor child, Josie Viola Pebworth; by Joewillie Hunter for herself and her two minor children, Mary and Pearl Hunter; by Robert L. Clover for his three minor children, Earnest Q., Thomas L. and Eugie B. Clover; by Josiah M. Clover for himself and his three minor children, Nettie Lee, Robert Arthur and Leander Louis Clover; by Mary Clover for herself; by William Marshall Clover for himself; by Mittie Bullock for her two minor children, Henry H. and Josie Clover; by Mary Ann Parr for herself; by Benjamin J. Guice for himself; by Willie Ann Lehuw for herself and her two minor children, Floyd and Ophelia Lehuw; by William M. Ricketts for his two minor children, Freddie C. and Dossie Ricketts; by William G. Jordan for himself; by William M. Patterson for his three minor children, Doroth A., Shelby A. and Howell M. Patterson; by Ada F. Champion for her two minor children, Vassie V. and Void Preston Pebworth; and by Emma F. Barnes for her three minor children, Roscoe W., Jephthar A. and Marshal H. Pebworth, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants, except those embraced in M.C.R. 6144 and M.C.R. 6145, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Patsey (or Patsey) Pebworth (or Pebsworth), nee McCan (or McCann), who is alleged to have been a Choctaw Indian, degree of blood not positively stated, and to have resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty; that the applicants embraced in M.C.R. 6145 claim said rights by reason of being descendants of Henry Pebsworth, who is alleged to have been a full-blood Choctaw Indian; and that the applicants embraced in M.C.R. 6144 claim said rights by reason of being descendants of both the above named ancestors.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It appears, however, that under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), applications

were made to this Commission for the admission of Henry Tucker (case No. 64); Freddie C. and Dossie Ricketts (case No. 671); Katie Wilson (case No. 694); William Marshall Clover (case No. 715); Mary Ann Barr (case No. 894); Willie Ann Lehuw (case No. 536); Mary Clover (case No. 759); William, William H., Lillie May, Pearl and Zelma Pebworth (case No. 572); David Pebworth (case No. 564); Joe Pebworth (case No. 574); Josiah M., Nettie Lee and Robert Arthur Clover (case No. 379); and Vassie V. and Vold Preston Pebsworth (case No. 555), to citizenship by blood in the Choctaw Nation.

These applicants were denied citizenship in the Choctaw Nation by this Commission under the provisions of the act of Congress of June 10, 1896, and no appeal was taken from such decision in the time prescribed by the provisions of said act.

It appears that Matilda Clover, applicant in M.C.R. 6790 and Mary Clover, applicant in M.C.R. 6789, are more conversant with their family history than any of the other applicants, and from their testimony it appears that they are the children of Henry Pebworth, a white man, and Patsy Pebworth, nee McCan (or McCann), a full-blood Choctaw Indian; that the other applicants herein are lineal descendants of said ancestors; that they were born in the Choctaw Nation in Mississippi and resided thereuntil about the year 1828 or '29 when they removed with their parents to the Alabama strip on the Tombigbee river; that they started for the Indian Territory in the year 1836 with a large number of Indians, but upon their arrival at Clark county, Arkansas, they decided to remain there; that Henry Pebworth was killed in 1842 while upon a hunting expedition, and that Patsy Pebworth died in 1846; that Patsy Pebworth was married prior to her marriage to Henry Pebworth, to a man by the name of Bean, and by him had one child who bore the name of Jim, who, at the time of the treaty, was about fifteen years of age; that up to the time of the treaty there had been born to Henry and Patsy Pebworth five children, whose names and ages at that time were

as follows: Amy, eleven; Joseph, nine; Robert, seven; Matilda, five and Mary, three, the latter two being applicants herein; that before leaving Alabama, there was born to said Henry and Patsy Pebworth, two other children; Caroline, in 1831 and John in 1833 or '34; that in 1837, after having taken up their residence in Arkansas, there was born to them a child named Emily, and that in 1839 or '40 there was also born to them another child who died in early infancy and whose name these applicants are unable to give.

There has been filed, for record in this case, a certified copy of a patent issued to Henry Pebworth, under the fourteenth article of the treaty of eighteen hundred and thirty, for three sections of land located in Alabama.

The records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, show, on page 18 of the Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, in an excerpt from Ward's register, that Henry Pebworth, a white man, complied for his Indian wife and six children, four of whom were under ten and two over ten years of age at that time.

The applicants in M.C.R. 6144 and M.C.R. 6145, claim that Henry Pebworth was a full-blood Choctaw Indian and that Patsy Pebworth was a white woman, or possessed very little Choctaw blood. This discrepancy may be accounted for in view of the fact that their mothers, who made the applications in their behalf, were unacquainted with the history of the Pebworth family, and, as they state, testified merely from hearsay.

The testimony of the principal applicant and that of her sister, Mary Clover, coincides with the record above cited, and it

is, therefore, reasonable to conclude that the Henry Pebworth mentioned in said record, and to whom said patent to land was issued, was their father; that Patsy Pebworth, a full-blood Choctaw Indian, was their mother, and that the other applicants herein are their lineal descendants.

It is therefore the opinion of this Commission that the evidence herein is sufficient to determine the identity of Matilda Clover, Henry Tucker, Charlie McClosky, Henry McClosky, George Tucker, Katie Wilson, William C. Wilson, Nancy F. Karr, Lon Karr, Lou Franklin, Alfus R. Franklin, Homer Lee Franklin, Quinon Hubert Franklin, Rosie Draper, Maggie Draper, Charlie Draper, William Pebworth, William H. Pebworth, Lillie May Pebworth, Pearl Pebworth, Zelma Pebworth, Maggie Pebworth, Josie Pebworth, David Pebworth, Artie Pebworth, Charley Pebworth, Lee Pebworth, Clarence Pebworth, Joe Pebworth, Josie Viola Pebworth, Joewillie Hunter, Mary Hunter, Pearl Hunter, Earnest Q. Clover, Thomas L. Clover, Eugie B. Clover, Josiah M. Clover, Nettie Lee Clover, Robert Arthur Clover, Leander Louis Clover, Mary Clover, William Marshall Clover, Henry H. Clover, Josie Clover, Mary Ann Barr, Benjamin J. Guice, Willie Ann Lehuw, Floyd Lehuw, Ophelia Lehuw, Freddie C. Ricketts, Dossie Ricketts, William G. Jordan, Doroth A. Patterson, Shelby A. Patterson, Howell M. Patterson, Vassie V. Pebsworth, Vold Preston Pebsworth, Roscoe W. Pebsworth, Jephthar A. Pebsworth and Marshal F. Pebsworth, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be granted, and

it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tamc Dixby.

Chairman.

(SIGNED)

T. B. Needles.

COMMISSIONER.

(SIGNED)

C. R. Breckinridge.

COMMISSIONER.

(SIGNED).

W. E. Stanley.

COMMISSIONER.

Muskogee, Indian Territory,

OCT 2 1903

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Matilda Clover, et al.,
for identification as Mississippi Choctaws, M.C.R. 6790.

---o---

DECISION ON MOTION FOR RE-CONSIDERATION.

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647

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Matilda Clover, et al.,
for identification as Mississippi Choctaws, M.C.R. 6790.

DECISION ON MOTION FOR RE-CONSIDERATION.

It appears from the records of the Commission that on October 27, 1903, this Commission rendered its decision in the above entitled cause identifying the applicants therein as Mississippi Choctaws, and that on the same date the applicants, together with their attorneys and the attorneys for the Choctaw and Chickasaw Nations, were notified of such action.

On November 13, 1903, Messrs. Mansfield, McMurray & Cornish attorneys for the Choctaw and Chickasaw Nations, notified the Commission that they had prepared, and would file at the earliest practicable date, a motion for re-consideration of the decision of the Commission in the above entitled cause. On November 17, 1903, said motion was filed by the attorneys for the Choctaw and Chickasaw Nations for re-consideration of the decision of the Commission of October 27, 1903, accompanied by proof of service of the same on T. J. Cole, Waxahachie, Texas, one of the attorneys for the applicants herein; said motion and proof of service being as follows:

"BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Matilda Clover, et al.,
for identification as Mississippi Choctaws:

MOTION, ON BEHALF OF THE CHOCTAW AND CHICKASAW NATIONS
FOR A RECONSIDERATION OF THE DECISION OF THE COM-
MISSION TO THE FIVE CIVILIZED TRIBES, DATED
OCTOBER 27, 1903.

Come the Choctaw and Chickasaw Nations, by Mansfield,
McMurray & Cornish their attorneys, and move for a reconsideration
of the decision of the Commission to the Five Civilized Tribes in
this case, dated October 27, 1903; and in support thereof state
that the same is not supported by the evidence.

THE CHOCTAW NATION
THE CHICKASAW NATION
BY (Signed) MANSFIELD, McMURRAY & CORNISH.

INDIAN TERRITORY,
CENTRAL DISTRICT.

Henry Cabell on oath states that a true and perfect copy
of the above and foregoing has this day been mailed G. J. Cole, of
Waxahachie, Texas, one of the attorneys of record for the applicants
in this case, by registered mail; and the paper hereto attached
is the registry receipt of the postmaster at South McAlester for
such letter so mailed.

(Signed) HENRY CABELL.

Subscribed and sworn to before me on this 12th day of
November, 1903.

(SEAL)

(Signed) D. A. RICHARDSON,
Notary Public.

RECEIVED)

PARCEL) No. 805 P.O. South McAlester, I.T.

Received for registration Nov. 13, 1903, from
Mansfield, Mc & Cornish addressed to G. J. Cole,
Waxahachie, Tex.

1st class postage prepaid.

Wm. Noble, Postmaster
Per B.

REGISTRY RETURN RECEIPT.

Received from the postmaster at Waxahachie, Tex. reg-
istered letter No. 805 from South McAlester, I.T. addressed
to G. J. Cole, date 11/14/1903.


(Signed) T. J. Cole,
(G. J. Cole).


In support of said motion the attorneys for the Choctaw and Chickasaw Nations state that the decision of the Commission in the above entitled cause is not supported by the evidence. No allegation of fraud is made nor do they offer to produce any additional testimony which will have any bearing upon said case, the object being that a reconsideration of the decision of the Commission in said case would bring about a different result.

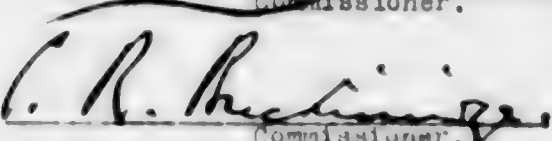
In the matter of the Creek contest allotment case No. 170, wherein a motion for review has been filed, the Department held in its letter of October 8, 1900 (I.T.D. 2362,3315-1900) that "a motion for review will not be granted on the ground that a re-examination of the evidence may bring about a different result." Again, in the Creek contest allotment case No. 168, the Department in its letter of September 6, 1902 (I.T.D. 3269-1902) states "as the applicant does not present facts not previously discussed or involved in the case, and calls attention to no law not heretofore considered, the motion is hereby denied.

The Commission is therefore of the opinion that no proper showing has been made for the granting of the motion herein and it is THEREFORE ORDERED that the motion filed herein for the reconsideration of this case be denied.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.


Commissioner.


Commissioner.

Dated, Muskogee, Indian Territory,

JAN 1 1904



Comptroller.

Muskogee, Indian Territory, April 24, 1903.

Received of the Commission to the Five Civilized Tribes
one copy of testimony in each of the following Mississippi Choctaw
cases:

Mary Clover, M C R 6789

Matilda Clover, M C R 6790 ✓

William M. Clover, M C R 6791

A handwritten signature in cursive script, appearing to read "J. F. Lee".

Attorney for applicants.

M O R
6790-7309
7307-7246

Muskogee, Indian Territory, May 9, 1903.

T. J. Cole,
Waxahachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, enclosing the following:

Marriage license and certificate between H. A. Wilson and Katie Tucker, offered in support of the Mississippi Choctaw case of Katie Wilson, et al.

Certified copy of marriage license and certificate between W. M. Rickets and Lyda Jordan, offered in support of the Mississippi Choctaw case of Freddie Ricketts, et al.

Certified copy of marriage certificate between J. H. Hunter and Joe Willie Clover, offered in support of the Mississippi Choctaw case of Joe Willie Hunter, et al.

Joint affidavit of Matilda and Wm. K. Clover relative to the marriage between Taylor Guice and Mary A. Jordan, offered in support of the Mississippi Choctaw case of Mary Ann Barr.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

M C R 6790

Muskogee, Indian Territory, May 11, 1903.

Matilda Clover,
Curtis, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your affidavit, in interrogatory form, offered in support of your application for identification as a Mississippi Choctaw. The same has been filed with the record in your case.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
JAMES BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6790

ALL IN REPLY TO THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 14, 1903.

H. C. Thuks,

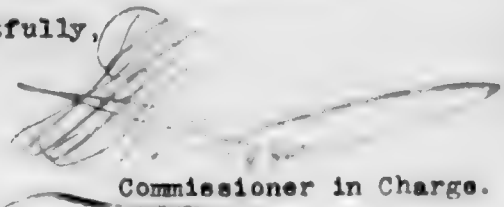
Grant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 2, asking what has been done with the application of the descendants of Patsy Pebworth.

In reply to your letter, you are informed that it appears from our records that Matilda Clover, David Pebworth, William Pebworth, et al. and other descendants of Patsy Pebworth, are applicants to this Commission for identification as Mississippi Choctaws, but their final rights to such identification have not yet been determined. As soon as a decision is reached in this case the applicants will be notified of the action of the Commission.

Respectfully,



Commissioner in Charge.

K.C.R.6790.

COPY.

Muskogee, Indian Territory, October 27, 1903.

Matilda Glover,

Curtis, Arkansas.

Dear Madam:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying you as a Mississippi Choctaw.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying you as a Mississippi Choctaw. If any such protest is filed by the attorneys for the Nations, you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"All persons duly identified by the Commission to

M. C., 2.

the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, (30 Stats., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the person identified in the decision of October 27, 1903, above referred to, in order to avail herself of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

SIGNED

E. E. Hoffman

Commissioner in Charge.

Registered.

M.C.R. 6790.

COPY.

Muskogee, Indian Territory, October 27, 1903.

J. G. Halls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Matilda Clover, et al., applicants for identification as Mississippi Choctaws, embracing the following applications:

Matilda Clover,	M.C.R. 6790;
Henry Tucker,	M.C.R. 7243;
Charlie McClosky, et al.,	M.C.R. 7242;
George Tucker,	M.C.R. 7244;
Katie Wilson, et al.,	M.C.R. 7309;
Nancy P. Karr, et al.,	M.C.R. 6864;
Lou Franklin, et al.,	M.C.R. 6867;
Rosie Draper, et al.,	M.C.R. 6868;
William Pebworth, et al.,	M.C.R. 6793;
David Pebworth, et al.,	M.C.R. 6794;
Joe Pebworth, et al.,	M.C.R. 6795;
Joe Willie Hunter, et al.,	M.C.R. 7246;
Earnest Q. Clover, et al.,	M.C.R. 7318;
Josiah M. Clover, et al.,	M.C.R. 6792;
Mary Clover,	M.C.R. 6789;
William Marshall Clover,	M.C.R. 6791;
Henry H. Clover, et al.,	M.C.R. 6865;
Mary Ann Barr,	M.C.R. 7240;
Benjamin J. Guice,	M.C.R. 7241;
Willie Ann Lehuw, et al.,	M.C.R. 7245;
Freddie C. Ricketts, et al.,	M.C.R. 7307;
William G. Jordan,	M.C.R. 7308;
Doroth A. Patterson, et al.,	M.C.R. 7421;
Vassie V. Pebsworth, et al.,	M.C.R. 6144;
Roscoe W. Pebsworth, et al.,	M.C.R. 6145.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is sufficient to determine the identity of Latilda Glover, Henry Tucker, Charlie McClosky, Henry McClosky, George Tucker, Katie Wilson, William C. Wilson, Nancy F. Karr, Lon Karr, Lou Franklin, Alfus R. Franklin, Homer Lee Franklin, Quinon Hubert Franklin, Rosie Draper, Maggie Draper, Charlie Draper, William Pebworth, William H. Pebworth, Lillie May Pebworth, Pearl Pebworth, Zelma Pebworth, Maggie Pebworth, Josie Pebworth, David Pebworth, Artie Pebworth, Charley Pebworth, Lee Pebworth, Clarence Pebworth, Joe Pebworth, Josie Viola Pebworth, Joewillie Hunter, Mary Hunter, Pearl Hunter, Earnest Q. Glover, Thomas M. Glover, Eugenia M. Glover, Josiah M. Glover, Nettie Lee Glover, Robert Arthur Glover, Leander Louis Glover, Mary Glover, William Marshall Glover, Henry W. Glover, Josie Glover, Mary Ann Barr, Benjamin J. Guico, Willie Ann Lehuw, Floyd Lehuw, Ophelia Lehuw, Freddie C. Ricketts, Dossie Ricketts, William G. Jordan, Dorothea A. Patterson, Shelby A. Patterson, Howell M. Patterson, Vassie V. Pebsworth, Vord Preston Pebsworth, Roscoe W. Pebsworth, Jephthar A. Pebsworth and Marshal H. Pebsworth, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be granted, and it is so ordered."

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 841):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898,

(30 Stat., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

You are hereby advised that the attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days from the date hereof in which to file with this Commission such protest as they desire to make against the action of the Commission in identifying the applicants herein as Mississippi Choctaws and make satisfactory proof of service of said protest upon the applicants herein. If at the expiration of that time no protest has been filed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, January 13, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record in the consolidated case of Matilda Clover, et al., applicants to this Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 27, 1903, identifying the applicants as Mississippi Choctaws.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Matilda Clover	M C R 6790
Henry Tacker,	M C R 7243
Charlie McClosky, et al.,	M C R 7242
George Tucker,	M C R 7244
Katie Wilson, et al.,	M C R 7309
Nancy F. Karr, et al.,	M C R 6864
Lou Franklin, et al.,	M C R 6867
Rosie Draper, et al.,	M C R 6868
William Pebworth, et al.,	M C R 6793
David Pebworth, et al.,	M C R 6794
Joe Pebworth, et al.,	M C R 6795
Joe Willie Hunter, et al.,	M C R 7245
Earnest Q. Clover, et al.,	M C R 7318
Josiah M. Clover, et al.,	M C R 6792
Mary Clover,	M C R 6796
William Marshall Clover,	M C R 6791
Henry H. Clover, et al.,	M C R 6865
Mary Ann Barr,	M C R 7240
Benjamin J. Guice,	M C R 7241
Willie Ann Lebow, et al.,	M C R 7242

Freddie C. Ricketts, et al.,	M C R 7307
William G. Jordan,	M C R 7308
Doroth A. Patterson, et al.,	M C R 7421
Vassie V. Pebsworth, et al.,	M C R 6144
Roscoe W. Pebsworth, et al.,	M C R 6145

The principal applicants in the several separate applications were, on October 27, 1903, advised of the action of the Commission in identifying them as Mississippi Choctaws and that it would be necessary in order for them to avail themselves of such identification, to remove to and make settlement within the Choctaw-Chickasaw country on or before April 27, 1904, and make proof of such settlement on or before October 27, 1904, at either of the offices of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

The several attorneys for the applicants were also advised of the action of the Commission in identifying their clients as Mississippi Choctaws, as was also Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

Within the fifteen days allowed the attorneys for the Nations to file protest, Messrs. Mansfield, McMurray & Cornish notified the Commission by wire, on November 13, 1903, that they would at the earliest practicable date file a motion for a reconsideration of the decision of the Commission of October 27, 1903. This Motion was filed with the Commission on November 17, 1903, and a brief in support thereof was filed on December 2, 1903, and on De-

ember 17, 1903, oral argument was heard at the office of the Commission at Muskogee, Indian Territory, upon the motion of the attorneys for the Choctaw and Chickasaw Nations for a reconsideration of the decision of the Commission of October 27, 1903.

The Commission has on this date denied said motion of the attorneys for the Choctaw and Chickasaw Nations for a reconsideration of the decision of October 27, 1903, and the record in the matter of the disposition of the same is herewith transmitted.

The attention of the Department is respectfully invited to the fact that the original decision in this case identifying the applicants was rendered on October 27, 1903, and that the applicants have heretofore been advised that the six months within which they could remove to and make settlement within the Choctaw-Chickasaw country would expire on April 27, 1904. In view of the fact that over two months have now elapsed since the rendition of the decision of the Commission, this matter is invited to the attention of the Department in order that this case may be disposed of at the earliest practicable date.

Respectfully,

Through the Commissioner
of Indian Affairs.
MAM 112

Chairman.

M C R 6790

Muskogee, Indian Territory, January 18, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing reply brief in support of your motion for a reconsideration of the decision of the Commission in the consolidated Mississippi Choctaw case of Matilda Clover, et al.

In reply you are informed that the same has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

M.C.R. 6790

COPY.

Muskogee, Indian Territory, April 6, 1904.

Matilda Clover,

Curtis, Arkansas.

Dear Madam:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

K

E. D. McLaughlin

Commissioner in Charge.

M.S.R. 6796

CO.

Muskogee, Indian Territory, April 6, 1904.

T. J. Cole,

Attorney-at-Law,

Waxahachie, Texas.

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying as Mississippi Choctaws the several persons included in the consolidated case of Matilda Clover, et al., of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 6, 1904.

Jack Beall,

Attorney-at-Law,

Waxahachie, Texas.

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying as Mississippi Choctaws the several persons included in the consolidated case of Matilda Clever, et al., of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

(S)

Commissioner in Charge.

M.C.R. 6790.

COPY:

Muskogee, Indian Territory, October 27, 1903.

Jack Beall,

Attorney at Law,

Waxahachie, Texas,

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Matilda Clover, et al., applicants for identification as Mississippi Choctaws, embracing the following applications:

Matilda Clover,	M.C.R. 6790;
Henry Tucker,	M.C.R. 7243;
Charlie McClosky, et al.,	M.C.R. 7242;
George Tucker,	M.C.R. 7244;
Katie Wilson, et al.,	M.C.R. 7309;
Nanoy F. Karr, et al.,	M.C.R. 6864;
Lou Franklin, et al.,	M.C.R. 6867;
Rosie Draper, et al.,	M.C.R. 6868;
William Pebworth, et al.,	M.C.R. 6793;
David Pebworth, et al.,	M.C.R. 6794;
Joe Pebworth, et al.,	M.C.R. 6795;
Joe Willie Hunter, et al.,	M.C.R. 7246;
Earnest Q. Clover, et al.,	M.C.R. 7318;
Josiah M. Clover, et al.,	M.C.R. 6792;
Mary Clover,	M.C.R. 6789;
William Marshall Clover,	M.C.R. 6791;
Henry H. Clover, et al.,	M.C.R. 6865;
Mary Ann Barr,	M.C.R. 7240;
Benjamin J. Guice,	M.C.R. 7241;
Willie Ann Lehuw, et al.,	M.C.R. 7245;
Freddie C. Ricketts, et al.,	M.C.R. 7307;
William G. Jordan,	M.C.R. 7308;
Doroth A. Patterson, et al.,	M.C.R. 7421;
Vassie V. Pebworth, et al.,	M.C.R. 6144;
Rosece W. Pebworth, et al.,	M.C.R. 6145;

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is sufficient to determine the identity of Latilda Clover, Henry Tucker, Charlie McClosky, Henry McClosky, George Tucker, Katie Wilson, William C. Wilson, Nancy F. Karr, Lon Karr, Lou Franklin, Alfus R. Franklin, Homer Lee Franklin, Quinon Hubert Franklin, Rosie Draper, Maggie Draper, Charlie Draper, William Pebworth, William H. Pebworth, Lillie May Pebworth, Pearl Pebworth, Zelma Pebworth, Maggie Pebworth, Josie Pebworth, David Pebworth, Artie Pebworth, Charley Pebworth, Lee Pebworth, Clarence Pebworth, Joe Pebworth, Josie Viola Pebworth, Joewillie Hunter, Mary Hunter, Pearl Hunter, Earnest Q. Clover, Thomas L. Clover, Eugie B. Clover, Josiah M. Clover, Nettie Lee Clover, Robert Arthur Clover, Leander Louis Clover, Mary Clover, William Marshall Clover, Henry H. Clover, Josie Clover, Mary Ann Barr, Benjamin J. Guice, Willie Ann Lehuw, Floyd Lehuw, Ophelia Lehuw, Freddie C. Ricketts, Dossie Ricketts, William G. Jordan, Doroth A. Patterson, Shelby A. Patterson, Howell M. Patterson, Vassie V. Pebsworth, Void Preston Pebsworth, Roscoe W. Pebsworth, Jephthar A. Pebsworth and Marshal H. Pebsworth, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be granted, and it is so ordered."

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898,

J. B. - 3

(30 Stat., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

You are hereby advised that the attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days from the date hereof in which to file with this Commission such protest as they desire to make against the action of the Commission in identifying the applicants herein as Mississippi Choctaws and make satisfactory proof of service of said protest upon the applicants herein. If at the expiration of that time no protest has been filed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Commissioner in Charge.

Registered.

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AVLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Wm. H. Daves, Esq.,

*Commissioner of Daves Commission
1 copy of each of the following
testimonies*

<i>Emma F. Barnes,</i>	<i>6145</i>
<i>Ala F. Barnes,</i>	<i>6144</i>
<i>W. C. Patterson,</i>	<i>7421</i>
<i>W. C. Jordan,</i>	<i>7308</i>
<i>Wm W. Dickette,</i>	<i>7307</i>
<i>Letta Wilson</i>	<i>7309</i>
<i>Robt L. Cooper,</i>	<i>7318</i>
<i>Willie Ann Jensen</i>	<i>7245</i>
<i>Benjamin J. Guice</i>	<i>7241</i>
<i>George Tucker</i>	<i>7244</i>
<i>Henry C. Clokey.</i>	<i>7242</i>
<i>Henry Tucker</i>	<i>7243</i>
<i>Wm W. Jordan</i>	<i>7240</i>
<i>Willie Bullock</i>	<i>6865</i>
<i>George Draper</i>	<i>6868</i>
<i>John A. Franklin</i>	<i>6867</i>
<i>Nancy F. Carr</i>	<i>6864</i>

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Marshall Glover	6791
Mary Glover	6789
Joseph M. Glover	6792
Joe Cebworth	6795
David Cebworth	6794
W. E.	6793
Josephine Hunter	7246
Matilda Glover	6790

6791
Allison L. Aylesworth

Muskogee, Indian Territory, January 6, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed you one copy of oral argument heard at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, December 17, 1903, on a motion for a reconsideration of the decision of the Commission in the matter of the Mississippi Choctaw application of Matilda Clover, et al.

Respectfully,

Chairman.

MoM 77

Muskogee, Indian Territory, January 6, 1904.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

There is herewith enclosed you one copy of oral argument heard at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, December 17, 1903, on a motion for a reconsideration of the decision of the Commission in the matter of the Mississippi Choctaw application of Matilda Clover, et al.

Respectfully,

Chairman.

McM 78

M C R 6790

Muskogee, Indian Territory, January 13, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed you herewith one copy of the decision of the Commission of this date, denying your motion for a reconsideration of the decision of the Commission of October 27, 1903, in the consolidated Mississippi Choctaw case of Matilda Clover, et al.

Respectfully,

Chairman.

McM 56

Muskogee, Indian Territory, January 13, 1904.

T. J. Cole,
Attorney at Law,
Waxahachie, Texas.

Dear Sir:

You are hereby advised that on this date the Commission denied the motion of Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, for a reconsideration of the decision of the Commission of October 27, 1903, in the consolidated Mississippi Choctaw case of Matilda Clover, et al.

You are further advised that the Commission has this day transmitted to the Secretary of the Interior the original record in the matter of the application of Matilda Clover, et al. for identification as Mississippi Choctaws, together with the decision of the Commission of October 27, 1903, and the additional procedure had upon the motion of the attorneys for the Choctaw and Chickasaw Nations for a reconsideration of said decision.

Respectfully,

Chairman.

M C R 6790

Muskogee, Indian Territory, January 13, 1904.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on this date the Commission denied the motion of Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, for a reconsideration of the decision of the Commission of October 27, 1903, in the consolidated Mississippi Choctaw case of Matilda Clover, et al.

You are further advised that the Commission has this day transmitted to the Secretary of the Interior the original record in the matter of the application of Matilda Clover, et al. for identification as Mississippi Choctaws, together with the decision of the Commission of October 27, 1903, and the additional procedure had upon the motion of the attorneys for the Choctaw and Chickasaw Nations for a reconsideration of said decision.

Respectfully,

Chairman.

M C R 6790

Muskogee, Indian Territory, January 13, 1904.

Jack Beall,
Attorney at Law,
Waxahachie, Texas.

Dear Sir:

You are hereby advised that on this date the Commission denied the motion of Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, for a reconsideration of the decision of the Commission of October 27, 1903, in the consolidated Mississippi Choctaw case of Matilda Clover, et al.

You are further advised that the Commission has this day transmitted to the Secretary of the Interior the original record in the matter of the application of Matilda Clover, et al. for identification as Mississippi Choctaws, together with the decision of the Commission of October 27, 1903, and the additional procedure had upon the motion of the attorneys for the Choctaw and Chickasaw Nations for a reconsideration of said decision.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 13, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on this date the Commission denied your motion for a reconsideration of the decision of the Commission of October 27, 1903, in the consolidated Mississippi Choctaw case of Matilda Clover, et al., and that the original record, together with the decision of the Commission of October 27, 1903, identifying the applicants as Mississippi Choctaws, has this day been transmitted to the Secretary of the Interior with the additional procedure had upon your motion for a reconsideration of said decision.

Respectfully,

Chairman.

Muskogee, Indian Territory, January 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Matilda Clover, et al., the record therein, together with the decision of the Commission of October 27, 1903, identifying the applicants as Mississippi Choctaws, and the record in the matter of the disposition of a motion of Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, for a reconsideration of the Commission's decision, was, on January 13, 1904, transmitted to the Department.

On January 15, 1904, the Commission received from Messrs. Mansfield, McMurray & Cornish a reply brief in support of their motion for a reconsideration of the decision of the Commission identifying the applicants in the above mentioned case as Mississippi Choctaws, and the same is herewith enclosed.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

M.O.R. 6790

COPY.

Muskogee, Indian Territory, April 6, 1904.

M. S. Cobb,

Attorney-at-Law,

Hot Springs, Arkansas.

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying as Mississippi Choctaws the several persons included in the consolidated case of Matilda Clover, et al., of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

(SIGNED)

T. B. Neelies,

Commissioner in Charge.

M C R 6790

Muskogee, Indian Territory, January 13, 1904.

M. S. Cobb,
Attorney at Law,
Hot Springs, Arkansas.

Dear Sir:

You are hereby advised that on this date the Commission denied the motion of Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, for a reconsideration of the decision of the Commission of October 27, 1903, in the consolidated Mississippi Choctaw case of Matilda Clover, et al.

You are further advised that the Commission has this day transmitted to the Secretary of the Interior the original record in the matter of the application of Matilda Clover, et al. for identification as Mississippi Choctaws, together with the decision of the Commission of October 27, 1903, and the additional procedure had upon the motion of the attorneys for the Choctaw and Chickasaw Nations for a reconsideration of said decision.

Respectfully,

Chairman.

M.C.R. 6790.

COPY:

Muskogee, Indian Territory, October 27, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered October 27, 1903, in the consolidated case of Matilda Clover, et al., applicants for identification as Missions & Choctaws, embracing the following applications:

Matilda Clover,	M.C.R. 6790;
Henry Tucker,	M.C.R. 7243;
Charlie McClosky, et al.,	M.C.R. 7242;
George Tucker,	M.C.R. 7244;
Katie Wilson, et al.,	M.C.R. 7309;
Nancy F. Barr, et al.,	M.C.R. 6864;
Lou Franklin, et al.,	M.C.R. 6867;
Rosie Draper, et al.,	M.C.R. 6868;
William Robworth, et al.,	M.C.R. 6793;
David Robworth, et al.,	M.C.R. 6794;
Joe Robworth, et al.,	M.C.R. 6795;
Joewillie Hunter, et al.,	M.C.R. 7246;
Karnest A. Clover, et al.,	M.C.R. 7318;
Josiah M. Clover, et al.,	M.C.R. 6792;
Mary Clover,	M.C.R. 6789;
William Marshall Clover,	M.C.R. 6791;
Henry M. Clover, et al.,	M.C.R. 6865;
Mary Ann Barr,	M.C.R. 7240;
Benjamin J. Guice,	M.C.R. 7241;
Willie Ann Lohuw, et al.,	M.C.R. 7245;
Freddie C. Ricketts, et al.,	M.C.R. 7307;
William G. Jordan,	M.C.R. 7308;
Dorothy A. Patterson, et al.,	M.C.R. 7241;
Vasile V. Robworth, et al.,	M.C.R. 6144;
Joseph A. Robworth, et al.,	M.C.R. 6145.

These applications were made under the provision of the act of Congress of June 18, 1898, (30 Stat., 495).

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is sufficient to determine the identity of Matilda Clover, Henry Tucker, Charlie McGlosky, Henry McGlosky, George Tucker, Katie Wilson, William C. Wilson, Nancy F. Karr, Lon Karr, Lou Franklin, Alfus A. Franklin, Homer Lee Franklin, Eunice Hubert Franklin, Rosie Draper, Maggie Draper, Charlie Draper, William Robworth, William L. Robworth, Millie May Robworth, Pearl Robworth, Selma Robworth, Lizzie Robworth, Josie Robworth, David Robworth, Artie Robworth, Charley Robworth, Lee Robworth, Clarence Robworth, Joe Robworth, Josie Viola Robworth, Josephine Hunter, Mary Hunter, Pearl Hunter, Earnest A. Clover, Thomas A. Clover, Eugie B. Clover, Josiah A. Clover, Nettie Lee Clover, Robert Arthur Clover, Leander Louis Clover, Mary Clover, William Marshall Clover, Henry A. Clover, Josie Clover, Mary Ann Barr, Benjamin J. Guice, Willie Ann Lehus, Floyd Lehus, Ophelia Lehus, Freddie C. Ricketts, Bonnie Ricketts, William G. Jordan, Bereth A. Patterson, Shelby A. Patterson, Howell M. Patterson, Vassie V. Robworth, Veld Preston Robworth, Roscoe W. Robworth, Jopthar A. Robworth and Marshall E. Robworth, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be granted, and it is so ordered."

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the applicants herein as Mississippi Cheetaws and make satisfactory proof of service of said protest upon the applicants herein.

M., Mem. & O., 3.

COPY:

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.
Enc.: 6790.

COPY.

Muskogee, Indian Territory, October 27, 1903.

T. J. Cole,

Attorney-at-Law,

Waxahachie, Texas.

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Matilda Clover, et al., applicants for identification as Mississippi Choctaws, embracing the following applications:

Matilda Clover,	M.C.R.6790;
Henry Tucker,	M.C.R.7243;
Charlie McClosky, et al.,	M.C.R.7242;
George Tucker,	M.C.R.7244;
Eatie Wilson, et al.,	M.C.R.7309;
Nancy F. Karr, et al.,	M.C.R.6864;
Lou Franklin, et al.,	M.C.R.6867;
Rosie Draper, et al.,	M.C.R.6868;
William Febworth, et al.,	M.C.R.6793;
David Febworth, et al.,	M.C.R.6794;
Joe Febworth, et al.,	M.C.R.6795;
Joewillie Hunter, et al.,	M.C.R.7246;
Karnest Q. Clover, et al.,	M.C.R.7318;
Josiah E. Clover, et al.,	M.C.R.6792;
Mary Clover,	M.C.R.6789;
William Marshall Clover,	M.C.R.6791;
Henry H. Clover, et al.,	M.C.R.6866;
Mary Ann Barr,	M.C.R.7240;
Benjamin J. Guice,	M.C.R.7241;
Willie Ann Lohuw, et al.,	M.C.R.7245;
Freddie O. Ricketts, et al.,	M.C.R.7307;
William G. Jordan,	M.C.R.7308;
Doroth A. Patterson, et al.,	M.C.R.7421;
Vannie V. Febworth, et al.,	M.C.R.6144;
Roscoe E. Febworth, et al.,	M.C.R.6145.

T. J. C., 2:

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is sufficient to determine the identity of Matilda Clover, Henry Tucker, Charlie McClosky, Henry McClosky, George Tucker, Katie Wilson, William C. Wilson, Nancy F. Karr, Lon Karr, Lou Franklin, Alfus R. Franklin, Homer Lee Franklin, Winon Hubert Franklin, Rosie Draper, Maggie Draper, Charlie Draper, William Pebworth, William H. Pebworth, Willie May Pebworth, Pearl Pebworth, Zelma Pebworth, Maggie Pebworth, Josie Pebworth, David Pebworth, Artie Pebworth, Charley Pebworth, Lee Pebworth, Clarence Pebworth, Joe Pebworth, Josie Viola Pebworth, Joewillie Hunter, Mary Hunter, Pearl Hunter, Earnest Q. Clover, Thomas L. Clover, Eugie B. Clover, Josiah M. Clover, Rottie Lee Clover, Robert Arthur Clover, Leander Louis Clover, Mary Clover, William Marshall Clover, Henry M. Clover, Josie Clover, Mary Ann Barr, Benjamin J. Guico, Willie Ann Lehuw, Floyd Lehuw, Ophelia Lehuw, Freddie C. Ricketts, Dossie Ricketts, William G. Jordan, Doroth A. Patterson, Shelby A. Patterson, Howell E. Patterson, Vassie V. Pebworth, Vord Preston Pebworth, Roscoe W. Pebworth, Jephthar A. Pebworth and Marshal H. Pebworth, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eight-hundred and thirty, and that the applications for their identification as such should be granted, and it is so ordered."

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898,

T. J. C., 2.

(30 Stat., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

You are hereby advised that the attorneys for the Choctaw and Chickasaw Nations have been allowed fifteen days from the date hereof in which to file with this Commission such protest as they desire to make against the action of the Commission in identifying the applicants herein as Mississippi Choctaws and make satisfactory proof of service of said protest upon the applicants herein. If at the expiration of that time no protest has been filed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.

T. J. C.
Commissioner in Charge.

M C R 6790

Muskogee, Indian Territory, November 19, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 12th instant, enclosing a motion for a re-consideration of the decision of the Commission to the Five Civilized Tribes in the Mississippi Choctaw case of Matilda Clover, et al., rendered October 27, 1903. You are advised that the same has been filed and no further action will be taken in this matter until receipt of your brief referred to in your letter of the 12th instant.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 12, 1903.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, referring to our communication of December 2nd advising you of the filing with this Commission on November 17, 1903, of a motion by the attorneys for the Choctaw and Chickasaw Nations for a re-consideration of the decision of the Commission of October 27, 1903, in the consolidated Mississippi Choctaw case of Matilda Clover, et al., and also of the filing on December 2, 1903, of the brief of Messrs. Mansfield, McMurray & Cornish in support of their motion of November 17, 1903, and advising you that the Commission would take no action upon said motion at this time, but would, at its office at Muskogee, Indian Territory, on Thursday, December 17, 1903, at nine o'clock A. M., hear such oral argument as may be made by the attorneys for the Choctaw and Chickasaw Nations in support of their motion, or by the attorneys for the applicants in opposition thereto.

In your letter of the 3rd instant you state that you have never been notified by the attorneys for the Choctaw and

J G R 2

Chickasaw Nations of any such action, or served with a copy of the motion or a copy of the brief, and that you have been with them almost daily for the last three weeks in the trial of citizenship cases at South McAlester; that as you understand, under the rules of the Commission, before said motion can be considered, the attorneys for the Choctaw and Chickasaw Nations must furnish the attorneys for the applicants with notice of the motion and copies of the brief, and in conclusion you presume "that if they neglect to do so, the matter will be treated as never having been filed with your Commission."

In reply to your letter you are advised that after the rendition of the decision of the Commission of October 27, 1903, in the consolidated Mississippi Choctaw case of Matilda Clover, et al., T. J. Cole, of Waxahachie, Texas, was personally at this office, and while here the Commission was in receipt of a telegram from Messrs. Mansfield, McMurray & Cornish advising the Commission that they had prepared and would file at the earliest practicable date, a motion for a reconsideration of the decision in the above entitled case.

Mr. Cole was orally informed of this action of the attorneys for the Choctaw and Chickasaw Nations, and on November 17, 1903, the attorneys for the Choctaw and Chickasaw Nations filed with the Commission a motion for a re-consideration of the decision

J O R 3

of October 27, 1903, attached to said motion being proof of service of a copy thereof upon T. J. Cole, at Waxahachie, Texas.

On November 25, 1903, the Commission was in receipt of a communication from T. J. Cole, of Waxahachie, Texas, under date of November 23, 1903, acknowledging service of the motion of the attorneys for the Choctaw and Chickasaw Nations and protesting against such action being taken by the Commission in view of the fact "that the evidence fully supports the decision."

On December 2, 1903, the attorneys for the Choctaw and Chickasaw Nations filed a brief in support of their motion for a re-consideration of the decision of October 27, 1903, in this case, with proof of service of a copy thereof upon T. J. Cole, at Waxahachie, Texas, and on that date the Commission advised Mr. Cole that no action would be taken upon the motion and brief of the attorneys for the Choctaw and Chickasaw Nations at that time, but that oral argument would be heard at the office of the Commission at Muskogee, Indian Territory, on Thursday, December 17, 1903, at nine o'clock A. M.

Mr. Cole appears as attorney of record for all the applicants in this case, with the exception of the applicants Vassie V., Vold Preston, Roscoe W., Jephthar A. and Marshal H. Pebsworth who, at the time of the submission of the applications made on their behalf, were represented by you.

J G R 4

It is considered that the proof of service upon Mr. Cole of the motion of the attorneys for the Choctaw and Chickasaw Nations and the brief in support thereof, is sufficient to warrant the Commission to proceed to hear argument as indicated in our letter to you of December 2, 1903, and the notice to you of that date was to advise you of such action and to permit you an opportunity to appear, if you so desired, in behalf of such applicants as might be represented by you.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 6, 1903.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Sir:

There is enclosed you herewith decision in the consolidated Mississippi Choctaw case of Matilda Clover, et al., which is forwarded for your consideration and signature, if you concur with the views therein expressed.

Respectfully,

Chairman.

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M C R 6790

Muskogee, Indian Territory, January 21, 1904.

J. B. O'Bryan,
Attorney at Law,
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you ask to be furnished the names and post-office addresses of the parents or guardians of Vassie V. Pebsworth, Void Pebsworth, Roscoe W. Pebsworth, Jephthar A. Pebsworth, and Marshall H. Pebsworth, who were identified by this Commission as Mississippi Choctaws on October 27, 1903.

In reply you are informed that the Commission has to request that you advise us of your reasons for desiring this information.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 15, 1904.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to respectfully invite the attention of the Department to the consolidated Mississippi Choctaw case of Matilda Clever, et al., the record in which was forwarded the Department with the letter of the Commission of January 13, 1904.

The decision of the Commission in this case identifying the applicants as Mississippi Choctaws was rendered October 27, 1903, and the six months from the date of said identification within which the applicants were allowed to remove to and make settlement within the Choctaw-Chickasaw country, as provided by the 41st section of the Act of Congress approved July 1, 1902 (32 Stats., 641), will expire April 27, 1904.

The attention of the Department is invited to this matter in order that early action may be taken relative to the disposition of this case and the applicants advised of such departmental action so that they may, in the event of the approval of the Commission's decision, have sufficient notice of the time within which they will have to remove to and make settlement within the Choctaw-Chickasaw country.

Respectfully,

Through the Commissioner
of Indian Affairs.

Commissioner in Charge.

Land
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5529-1904
19273-1904

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, March 29, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following persons:

Matilda Clover, Henry Tucker, Charlie McClosky, Henry McClosky, George Tucker, Katie Wilson, William C. Wilson, Nancy F. Carr, Lon Carr, Lou Franklin, Alfus R. Franklin, Homer Lee Franklin, Quinon Hubert Franklin, Rosie Draper, Maggie Draper, Charlie Draper, William Pebworth, William H. Pebworth, Lillie May Pebworth, Pearl Pebworth, Zolma Pebworth, Maggie Pebworth, Josie Pebworth, David Pebworth, Artie Pebworth, Charley Pebworth, Lee Pebworth, Clarence Pebworth, Joe Pebworth, Josie Viola Pebworth, Jooillie Hunter, Mary Hunter, Pearl Hunter, Earnest Q. Clover, Thomas L. Clover, Rufia L. Clover, Josiah M. Clover, Nettie Lee Clover, Robert Arthur Clover, Leander Louis Clover,

Mary Clover, William Marshall Clover, Henry H. Clover, Josie Clover, Mary Ann Barr, Benjamin J. Guice, Willie Ann Lehuw, Ophelia Lehuw, Freddie C. Ricketts, Dossie Ricketts, Floyd Lehuw, William G. Jordan, Doroth A. Patterson, Shelby A. Patterson, Howell L. Patterson, Vassie V. Pebsworth, Vpid Preston Pebsworth, Roscoe W. Pebsworth, Jephthar A. Pebsworth and Marshal H. Pebsworth, wherein a decision identifying them as Mississippi Choctaws was rendered by the Commission on October 27, 1903.

The record in this case shows that the applicants base their claims to the right to identification as Mississippi Choctaws on a descent from Henry Pebsworth and his wife Patsy Pebsworth, who was born McCann, it being claimed that Henry Pebsworth from whom these applicants descend, was identical with the Henry Pebsworth who received the reservation of land under the 14th Article of the Choctaw Treaty of 1830.

Two of the children of this Henry Pebsworth, Matilda Clover, aged about 78 years, and Mary A. Clover, aged about 76 years, testified relative to these ancestors. It is claimed by them that their father, Henry Pebsworth, was a white man who married Patsy McCann, a full-blood Choctaw Indian; that they lived in Mississippi in the earlier part of their married life and afterwards moved to the "Alabama strip" on the Tombigbee River, in Alabama, and from there the family removed to Clark county, Ark.

Neither of these witnesses is able to testify that their father owned land in Alabama, they being small children at the time of the removal from that state to Arkansas. The mother, Fatsy Pebworth, was deaf and dumb at the time these daughters remember her and was only able to communicate to them by signs. They were taught that their mother was a Choctaw Indian. They give the names of the children of Henry Pebworth as Amy, Joseph, Robert, Matilda, Mary, Caroline, John and Emily. It is also alleged that Fatsy Pebworth had been previously married to a man named Bean and by him she had a son named Jim Bean.

Evidence is given by various witnesses of the descent of the applicants named from Henry Pebworth through his children whose names are given.

A certified copy of the patent from the United States to Henry Pebworth for certain lands in Pickens county, Alabama, is furnished, also a plat of the township in which this land was situated, showing the names of the other Choctaw citizens who received land within that township, who were Cornelius McCann, Louis Robinson and Jay-tubbee.

The attorneys for the Choctaw and Chickasaw nations protest against the decision of the Commission identifying these persons on the ground that the proof their ancestor was identical

with the Henry Pebrworth who received a patent under the 14th article of the Choctaw treaty of 1830, is not sufficient to justify their identification, attention being called to the fact that all of the proof with reference to ancestry is furnished by members of the family.

The records of this office show that Henry Pebrworth did receive as a reservation under the 14th article of the Choctaw treaty of 1830 the following lands:

All of section 27, fractional Sec. 22, NE/4 and E/2 SE/4 of Sec. 21 and E/2 and NW/4 Sec. 15, all in Township 22 south, range 17 west, in the land district of Tuscaloosa, Alabama.

The records of this office also show that at that time he had two children over and four under 10 years of age, but whose names are not given, upon which the reservation was partially predicated. Extracts from the various records of this office have been made and are inserted in the record in this case. It is shown by these records that Cornelius McCann, a half-blood Choctaw Indian, was a neighbor of Henry Pebrworth's which, while not evidence of the fact, tends to support the claim of the witnesses that the mother of Mary A. and Matilda Clover may have been a McCann. The witnesses claim that Henry Pebrworth was a white man, the records of this office also show that he was a white man, and consequently he obtained his citizenship through marriage with a Choctaw Indian. Cornelius McCann was only a half-

blood. In case he were any relation to the wife of Peabworth, he may have been a brother and the witnesses mistaken as to the quantum of Choctaw blood of their mother or he may have been of a different generation. It would not be at all remarkable if the witnesses were mistaken as to the percentage of Indian blood of their mother. The Choctaws practice polygamy and Armstrong's Census of Moshulatubbee's district shows that Henry Peabworth (given in this instance as Ridgworth) was at the head of one family containing 7 persons with 5 children under 10 years of age and that he had a wife named Kuk-a-ta-cha who was the head of another family having 10 persons, 3 being over 10 years of age and 6 being under 10 years of age. A copy of this census return is printed in Vol. 7, Public Lands, American State Papers, information with reference to these people appearing on page 75.

Under the Choctaw customs and under the practice followed by the government commissioners who passed on the claims of Choctaws in Mississippi and Alabama, a plural wife was recognized as and entitled as the head of a family the head of a family, to receive the benefits of various provisions of the treaty. I do not consider the fact that the name of no wife appears in the record in any way tends to negative the proof in behalf of the applicants in this case that their mother Patsy Peabworth was the wife of Henry Peabworth a Choctaw reservee.

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It is in my judgment, therefore, that the decision of the Commission in favor of these applicants was correct and should be approved and I so recommend.

The arguments of the attorneys which are submitted have been given due consideration and are enclosed.

Very respectfully,

A. J. TONNER,

Acting Commissioner.

ASH-E

SPECIAL. DEPARTMENT OF THE INTERIOR, J.W.H. FILE.
WASHINGTON, April 5, 1904.
ITD.2742-1904.
2894- "
LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your letter of January 13, 1904, transmitting the record and papers relating to the applications of Matilda Clover (MCR 6790), et al., for identification as Mississippi Choctaws. Receipt is also acknowledged of your letter of March 15, 1904, relative to this case, in which you state that the time within which these applicants, if your decision is affirmed by the Department, may remove to and make settlement within the Choctaw-Chickasaw country, will expire April 7, 1904.

Your decision of October 27, 1903, contains a full list of these applicants, all of whom you identified as Mississippi Choctaws.

It appears from the testimony contained in the record, that the persons referred to above, consisting of several generations, are the descendants of a white man named Henry Pebworth, by his Choctaw wife, Patsy Pebworth, formerly Patsy McCann.

From the records of the Indian Office and Land Office it appears that a patent was issued to one Henry Pebworth, under the provisions of article 14 of the treaty of September 27, 1830,

known as the treaty of Dancing Rabbit Creek.

After comparing the evidence contained in the records of the Government with the testimony in the case, you concluded that said ancestor and patentee are one and the same person.

March 29, 1904, the Acting Commissioner of Indian Affairs furnished a report relative to this case, containing certain information respecting Henry Pebworth, to whom a patent was issued. This information also includes certain evidence, as of 1830, relative to his neighbors and the locality in which he lived. The acting Commissioner is of the opinion that the ancestor through whom these applicants claim is the Henry Pebworth to whom patent was issued under said article 14, and accordingly recommended that your decision be approved.

The Department has examined in detail all of the evidence presented. In so doing, careful consideration has been given to the arguments of the attorneys for the applicants and for the Choctaw and Chickasaw Nations. From this examination it is considered that the question at issue is, viz: Are these applicants the descendants of a person who complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830? - should be in the affirmative.

This conclusion necessarily follows when it is observed that the evidence relative to Henry Pebworth, the 14th article patentee, and Henry Pebworth, the ancestor of these applicants, shows to a high degree of certainty that they are identical in person.

In this, as in other cases where the question of iden-

tity is the controlling one, mere coincidence in names has not been considered sufficient to determine the point in issue. Where, however, persons of the same name are found, at the same time,, to be situated in all material respects substantially the same as to their families, residence, property and neighbors, it is considered unnecessary to raise further question as to whether such persons are identical.

The said patentee and ancestor being one and the same person, these applicants are entitled to identification as the descendants of a person who received a patent under article 14 of the treaty of 1830, in accordance with section 41 of the act of July 1, 1902 (32 Stat., 642). The Department therefore concurs in the recommendation of the Acting Commissioner that your decision identifying the persons as Mississippi Choctaws, whose names appear in his report of March 29, 1904, should be approved. Your decision is accordingly affirmed.

You will immediately advise the parties in interest hereof, by registered letter.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

(Note: "No enc.")

M C R 6790

Muskogee, Indian Territory, January 13, 1904.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory.

Dear Sir:

There is enclosed you herewith one copy of the decision of the Commission of this date, denying the motion of the attorneys for the Choctaw and Chickasaw Nations for a reconsideration of the decision of the Commission of October 27, 1903, in the consolidated Mississippi Choctaw case of Matilda Clover, et al.

Respectfully,

Chairman.

MoM 57

COPY.

L.S.N. 6750

Muskogee, Indian Territory, April 6, 1904.

Hensfield, Polkman & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior, signing the decision of this Commission identifying as Mississippian Choctaw the several persons included in the consolidated case of Matilda Oliver, et al., of which decision you were advised by mail on the 27th day of October, 1903.

Respectfully,

(SIGNED)

T. L.

Commissioner in Charge.

Muskogee, Indian Territory, April 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to departmental letter of April 5, 1904 (I T D 2742, 2894-1904), affirming the decision of the Commission identifying Matilda Clover, et al. as Mississippi Choctaws, it appears that a copy of the Acting Commissioner of Indian Affairs' letter in regard to this matter was not enclosed.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

McM 47

Muskogee, Indian Territory, April 9, 1904.

T. J. Cole,

Attorney-at-Law,

Waxahachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 5, 1904, in which you ask if the Department has taken any action in the Mississippi Choctaw case of Matilda Clover, et al., and if the six months allowed Mississippi Choctaws in which to remove to Indian Territory are run from the date of the rendition of the Commission's decision, or from the date of the approval of such decision by the Secretary of the Interior.

As advised in our letter to you under date of April 6, 1904, the Secretary of the Interior on that date affirmed the decision of this Commission identifying as Mississippi Choctaws the several persons included in the consolidated case of Matilda Clover, et al.

You are further advised that the six months allowed duly identified Mississippi Choctaws within which to remove to the Choctaw-Chickasaw country, Indian Territory, begin to run from the date of their identification as such Mississippi Choctaws

T. J. C., 2.

by the Commission to the Five Civilized Tribes. It would be necessary, therefore, that the several applicants in the consolidated case above mentioned make such removal within six months from October 27, 1903, or, in other words, prior to April 27, 1904.

Respectfully,

Commissioner in Charge.

COPY M.C.R. 6790

Muskogee, Indian Territory, April 12, 1904.

Matilda Clover,

Curtis, Arkansas,

Dear Madam:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

T. D. McLaughlin
Commissioner in Charge.

Registered.

Muskogee, Indian Territory, April 12, 1904.

T. J. Cole,
Attorney at Law,
Waxahachie, Texas,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying as Mississippi Choctaws the several persons included in the consolidated case of Matilda Clover et al., of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that the persons so identified have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation; or Tishomingo, Chickasaw Nation. Indian Territory.

Respectfully,

Commissioner in Charge.

Registered.

005

M.C.R. 6790

Muskogee, Indian Territory, April 12, 1904.

Jack Beall,

Attorney at Law,

Waxahachie, Texas,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying the several persons included in the consolidated case of Matilda Clover, et al., as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1904.

You are further advised that the persons so identified have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

W. L. R.

Commissioner in Charge.

Registered.

M.C.R. 6790

Muskogee, Indian Territory, April 12, 1904.

M. E. Cobb,
Attorney at Law,
Hot Springs, Arkansas,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying as Mississippi Choctaws the several persons included in the consolidated case of Matilda Clover et al., of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that the persons so identified have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

Commissioner in Charge.

COPY. M.C.R. 6790

Muskogee, Indian Territory, April 12, 1904.

J. G. Ralls,
Attorney at Law,
Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on the 5th day of April, 1904, affirmed the decision of this Commission identifying as Mississippi Choctaws of the several persons included in the consolidated case of Matilda Clover et al., of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further notified that the persons so identified have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

Commissioner in Charge.

M.C.R. 6790

Muskogee, Indian Territory, May 20, 1904.

T. J. Colo,

Attorney-at-Law,

Waxahachie, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state that the people in the consolidated Mississippi Choctaw case of Matilda Clover, et al, (M.C.R. 6790), are anxious to make their selections and take their allotments, and ask when the schedules containing their names will be completed, so that these parties can appear at the Land Office for the purpose of making selection of allotment.

In reply to your letter you are informed that on May 2, 1904, the Secretary of the Interior approved the schedule of duly identified Mississippi Choctaws containing the names of the several persons included in the consolidated Mississippi Choctaw case of Matilda Clover, et al., and they now will, upon their personal appearance at either the Choctaw or Chickasaw Land Office, be permitted to make selections of allotments of the lands of the Choctaw-Chickasaw country, Indian Territory.

Respectfully,

Commissioner in Charge.

COPY OF TELEGRAM

DATED Washington, D. C.

TO Dawes Commission

Muskegee I T

Mississippi Choctaw case of Matilda Clover, et al. is affirmed.
Notify applicants. See your letter of March fifteenth.

THOS RYAN

Acting Sec'y.

M.C.R. 6790

COPY

Muskogee, Indian Territory, April 6, 1904.

J. G. Ralls,

Attorney-at-law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying as Mississippi Choctaws the several persons included in the consolidated case of Matilda Glover, et al., of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

SIGNED

T. B. Neelco.

Commissioner in Charge.

McR 6790

Matilda Colón, chae

Enciclopedia

Jim Bean Dead

Amie Peabworth married
Art Davis

Dead

Pradie Ann Davis, 74 D
married
Pinkney C (or Dave) Tucker D

Patsy (or Patsy) Peabworth (or Peabworth)
husband

1st Bean

2nd Harry (or John Harry) Peabworth (or
Peabworth)
Chosen or white

Joe Peabworth 1/2 Dead
married
Elizabeth Colover

William Peabworth, 42 1/4
wife
Florence Peabworth, w

David Peabworth, 39 1/4
married
Maggie Burton, w

Joe Peabworth, 39 1/4
wife
Sophronia Peabworth, w

7243
Harry Tucker, 29 1/8

wife
Mary Tucker, w

Lura F. Tucker, D 1/8
married

7244
Harry C. McCloskey

7245
George Tucker, 24 7/8

wife
Lura Tucker, w

7246
Katie Tucker, 23 1/8

married
H. A. Wilson, w

7247
Charlie McCloskey, 2
Henry McCloskey, 9 wks.

7248
William C. Wilson, 1yr 9 mos.

6867
Lou Karr, 25 1/8

married
John A. Franklin, w

6868
Rosie Karr, 22 1/8

married
James Draper, w

6869
Lou Karr, 18

6869
Alfus R. Franklin, 6
Romer L. Franklin, 3
Quinn H. Franklin, 1
Maggie Draper, 3
Charlie Draper, 1

6798
William H. Peabworth, 19
Lillie May Peabworth, 15
Pearl Peabworth, 13
Betina Peabworth, 7
Maggie Peabworth, 6
John Peabworth, 3

6799
Artie Peabworth, 14
Charley Peabworth, 11
Lee Peabworth, 8
Clarence Peabworth, 2

6799
Jessie Viola Peabworth, 5

Robert Peabworth, 21

nick
6140

Matilda Peabworth, 76 1/2

married

Eli Clover, w. 11

nick
6149

Mary A. Peabworth, 76 1/2

married

William H. Clover, w. 11

Patsy (or Patsy) Peabworth (or Peabworth),
husband's name

③ Henry (or John Henry) Peabworth (or Peabworth),
chor. or white

Caroline Peabworth, 72 1/2

married

Samuel Jordan, 11

John Peabworth, 76 1/2

③ Susan Peabworth w.

③ Matilda (B) Peabworth chor.

③ Nellie Peabworth, chor.

Emily Peabworth, 11

nick
705

R. L. Clover, 50 1/2

wife

Mary Clover

Admitted by State, Conn. Case 725

nick
1744

Josiah M. Clover, 44 1/2

married

③ Meacie Karr, w. Don

③ Agnes Walton, w. L

nick
6141

William M. Clover, 54 1/2

married

Salitha Jane Cobb, w.

nick
7240

Mary Ann Jordan, 55 1/2

③ M. F. Guile, Head

③ George W. Barr, w.

Mahala Jordan, Head

married

James White, Head

Eliza Jordan, 16 Head

married

William M. Rickells

nick
7248

William G. Jordan, 42 1/4

nick
7249

Emma Jordan, 1/2

married

William M. Patterson

Louis Preston Peabworth, 16 1/2

Ada B. Peabworth w.

Thomas Chapman w.

William Marshal Peabworth, 2 1/2

Emma B. Peabworth

Don. Carney

nick
7249

Joe Willie Clover, 23 1/8

married

Jim Hunter, w.

nick
7250

Ernest R. Clover, 17

Thomas L. Clover, 14

Angie B. Clover, 6

nick
7251

Nellie Lee Clover, 11

Robert Arthur Clover, 9

Leander Louis Clover, 10

nick
7252

William Hector Clover 18 Head

Mittie Senon, w.

married

Budlock

nick
7253

Benjamin P. Guico 32 1/8

nick
7254

Willie Ann White, 23 1/8

married

Isam Lehuw

nick
7255

Freda C. Rickells, 17 1/8

Doris Rickells, 13 1/8

nick
7256

Dorothy A. Patterson, 7

Shelby A. Patterson, 6

Harold M. Patterson, 3

nick
7257

Vassie V. Peabworth, 13 1/8

Vad Preston Peabworth, 7 1/8

nick
7258

Roxie M. Peabworth, 14 1/8

Isabel A. Peabworth, 12 1/8

Marshal A. Peabworth, 10 1/8

nick
6145

Henry H. Clover, 11 1/16

Josie Clover, 7 1/16

nick
7259

Floyd Lehuw 3

Ophelia Lehuw 1

Form No. 260.

THE WESTERN UNION TELEGRAPH COMPANY.

21,000 OFFICES IN AMERICA.

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CABLE SERVICE TO ALL THE WORLD.

ROBERT C. CLOWRY, President and General Manager.

Receiver's No.

Time Filed

Check

Collect.

SEND the following message subject to the terms
on back hereof, which are hereby agreed to.

Wes. Union, Indian Territory, November 10, 1906.

Wassfield, to Mr. J. L. Smith,

Livingston, Alabama,

Re your telegram this date, land patented to Gen. Sherman as
shown on plat in Townsh. twenty-two and range seven, sec. 1 in
district of land subject to sale at Tuscaloosa, Ala. Mr.

Smelter,

Commissioner in Charge.

O. C. B.

READ THE NOTICE AND AGREEMENT ON BACK. **B**

No. 170
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 27 1907

Name *Matilda Clover.*

Age *over 70* - Blood $\frac{1}{2}$

Post Office. *Curtis, Ark -*

Father: *Henry Peabworth* $\frac{w}{d}$

Mother: *Patsy* " d

Claims through *mother, full*
Husband

Eli Clover - d. w.

~~Children:~~

Claims for self

Manuscript characterized and



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 22 1904

A handwritten signature in dark ink, appearing to be 'J. S. P.' or similar.

CHIEFMAN

MATILDA CLOVER ET AL.

M. C. R. 6790.

[illegible]

Choctaw MCR 6791

William M. Clover

MCR 6791

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, February 27, 1903.

In the matter of the application of William Marshall Clover
for identification as a Mississippi Choctaw.

H. J. Cole, Attorney for applicant.

William Marshall Clover being first duly sworn testified as
follows:

Examination by the Commission:

- Q What is your name? A William Marshall Clover.
Q What is your age? I'm fifty four years old the 22nd day
of last February.
Q What is your post office address? A Curtis Arkansas.
Q How long have you lived in Arkansas?
A Ever since I was born except fifteen months and a few months
travelling through the Territory.
Q And have you lived near Curtis most of the time? A Yes, I am
200 yards of where I was born.
Q In what state were you born? A In Arkansas.
Q Is your father living? A Yes sir.
Q What was your father's name? A William H. Clover.
Q What is your mother's name? A Mary A. Clover.
Q This is your mother who has just made application to be
identified as a Mississippi Choctaw today is it? A Yes sir.
Q You claim your Choctaw blood through her do you? A Yes sir.
Q How much do you claim? A One fourth.
Q Is your mother one half Choctaw Indian? A That's what I've
always been told; that's my understanding to the best of my
knowledge.
Q Has your mother ever made application for citizenship in the
Choctaw Nation or for the benefits of a Choctaw Indian at
any time either to the Choctaw tribal authorities or to the
Dawes Commission previous to the application she made today.
A Yes sir.
Q When? A In 1896 through me.
Q Did you appear in person before the Dawes Commission?
A No sir.
Q How was that application made? A The affidavits were made
and it was carried to the governor at Fayetteville and he
signed the application and I mailed them to the Dawes Commission
in '96.
Q Was that between the 10th day of June 1896 and the 10th
day of September of that year? A Yes sir.
Q The certificate of the Governor is date September 7 1896.
A I don't recollect; it was some time about then.

A copy of the certificate now in the possession
of the Commission signed by Jeff Gardner Principal Chief
of the Choctaw Nation verified copy of an application and
affidavits received from Mary A. Clover is on file at his
Nation

- office in Eagletown Indian Territory on the 7th day of September 1886? A Yes sir that was the time I guess.
- Q That is the application you refer to? A Yes sir.
- Q And you made application for yourself at that time?
- A Yes sir and for a good many of the others except my aunt there; I forgot about her; she was unable to go before the notary public and we couldn't get her affidavit.
- Q Matilda Clover? A Yes sir.
- Q What was done with that application? A Denied.
- Q And nothing further was done? A No sir.
- Q Is that the only application you have ever made? A Yes sir.
- Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities in the Indian Territory? A I don't know sir; In 1876 I was identified; I don't know whether we were put on the roll or not.
- Q If you were a member of the Choctaw tribe of Indians in the Indian Territory at this time you wouldn't be before the Commission making application would you? A No sir.
- Q So your understanding is you have not been recognized and you would like to be identified as a Mississippi Choctaw?
- A Yes sir.
- Q Is your wife living? A No sir.
- Q What was her name? A Her name was Malitha Jane Cole.
- Q Was she a white woman or Indian? A White woman.
- Q Your children are all of age are they not? A I have no children; I have one child; and he's dead.
- Q You claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation either by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A I don't know.
- Q You ought to know.
- A No it is not. I don't exactly understand the question.
- Q I mean are you enrolled now on the Choctaw tribal rolls by any authority whatever? A No sir.
- Q You are pretty sure about that now are you? A Yes sir; as far as I know; of course I don't know.
- Q You have no reason to believe you are have you? A No sir.
- Q Do you come before the Commission at this time to identify yourself as a Mississippi Choctaw? A Yes sir.
- Q You feel perfectly free to do that as you are not recognized at the present time? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir I suppose so.
- Q Do you understand that article? A Well tolerably well.
- Q Do you understand it well enough to claim under it or do you want it explained further? A No sir I don't think its necessary; I think I understand it.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section

to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article; do you know? A I don't know sir whether they did or not.
- Q What is the name of your ancestor that you claim your right to be identified through now. A Patsy pebworth.
- Q What is her husband's name? A Henry.
- Q Was Patsy your grandmother? A Yes sir.
- Q Henry your grandfather? A Yes sir.
- Q Which had Choctaw blood? A Patsy.
- Q Did her husband have any? A I've been told not.
- Q He was a white man? A Yes sir.
- Q And Patsy had how much Choctaw blood? A Full blood is my understanding.
- Q Now did Patsy pebworth your full blood ancestor and your grandmother live in Mississippi or Alabama in 1830 and have a family there then? A I've been told that she did.
- Q Where did she live? A On the Tom Higbee river.
- Q In Alabama? A Yes sir.
- Q In the old Choctaw Nation? A Yes sir in the old Choctaw Nation.
- Q Right close to the line between Mississippi and Alabama?
- A Yes sir.
- Q Did she or any one for her go to the United States Indian agent Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors Patsy pebworth or any other live on land in that old Choctaw Nation in Mississippi or Alabama five years and then get a patent to that land from the government? A I've been told that they did.
- Q Get a patent? A I don't know sir about the patent.
- Q You understand what the patent is do you? A Yes sir.
- Q It's a deed to land - comes from the government; the deed is issued by the government and is called a patent. You never heard of your ancestor receiving any such patent did you; if so who received it and for land situated where? A I understand they had land back there but I can't tell about the patent.
- Q Did you ever hear that Patsy pebworth had a patent. A No sir; I can't say that I did.
- Q Did you ever hear she claimed or any Choctaw ancestor of yours claimed any land or lived on any land in the old Choctaw Nation under article fourteen of the treaty of 1830?
- A Yes sir I heard they lived on land there until about 1836 but I can't tell you how they come to get it.
- Q Henry pebworth your grandfather was a white man you say?
- A Yes sir.
- Q What relation is Vassar V. Pebworth to you? A A second cousin.
- Q She has made application to be identified as a Mississippi Choctaw and filed in her case a patent that was issued to one Henry pebworth a Choctaw Indian for land in Alabama; who was that? A I can't tell you.
- Q That couldn't have been your grandfather a white man.

William Marshall Clover

- A He was a white man.
- Q Your grandfather was a white man? A Yes sir.
- Q This patent as described among the records in the application made by Vassay V. Pebworth is described as being issued to a Choctaw Indian; you don't know who that person is do you?
- A It was Henry Pebworth.
- Q It wasn't Henry Pebworth for Henry Pebworth who received a patent as shown by the records filed in her application was an Indian and I want to know who that is if you can tell me. A It was intended I guess for my grandfather; her great grandfather.
- Q Your grandfather was a white man? A Yes sir.
- Q He couldn't have been an Indian and a white man too? A No sir.
- Q You can't explain that now? A Yes sir I know he was a white man but I don't know how come him to get the patent.
- Q Did you ever hear that your grandfather Henry Pebworth received a patent from the government of the United States under article fourteen of the treaty of 1830? A No sir not directly; I've heard it rumored that he had land and got a patent to it but I don't know how he got it; I suppose it was through my grandmother's blood but I can't tell why he had it.
- Q If your grandfather was a white man this Henry Pebworth who received a patent to land as shown by Exhibit "G" filed in the case of the application of Vassay V. Pebworth cannot have been the same person because a patent was issued to this man Henry Pebworth as a Choctaw Indian and he is so described and he received that land under article fourteen of the treaty of 1830; but you are not able to straighten that now?
- A No sir.
- Q Did you ever hear that any Choctaw ancestor of yours went to Colonel Ward within six months after the treaty of 1830 was ratified and attempted to register under article fourteen of that treaty? A Not directly I didn't.
- Q Did you ever hear it at all? A No sir, I don't think I did.
- Q Did you ever hear that any Choctaw ancestor of yours Patsy Pebworth or any other went from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today?
- A No sir.
- Q The fact is, is it not as testified by your aunt and your mother who both made application today that Patsy Pebworth your grandmother went with your mother and her other children from Alabama to Arkansas and stopped there and that Patsy died there. A Yes sir, died at my grandfathers.
- Q Do you know when they went - what year? A I've talked it over with my mother and as near as I can get at it it was 1836 that they came from Alabama to Arkansas about the year 1836.
- Q Was Henry Pebworth living at that time? A Yes sir.
- Q And he went too? A Yes sir.
- Q Did he die in Arkansas? A He left home to go off with some parties on the Washita river hunting and he never came back; his horse was found and his gun found but he never came.
- Q When was that? A I don't know when it was.
- Q Was he killed do you think? A They thought he was murdered by some "Devils"; I think they had done some dirty work and that the officers had been trying to get him to testify against them and they killed him to keep the officers from making him testify against them.
- Q Did any of your Choctaw ancestors own any improvements on land in 1836? A I understand they did.
- Q Who did? A My grandfather and grandmother.
- Q You don't know where they got that land? A No sir.
- Q Might have bought it? A Might have bought it, Yes sir.

Q Did any of your Choctaw ancestors go before a commission of 1837 or 1838 and claim any benefits under article fourteen of that treaty? A I don't know sir.

Q You heard me describe the reason why these commissions were appointed and you understand that don't you? A I think so, yes sir..

Q You never heard that any of your Choctaw ancestors Patsy Pebworth or any other went before either of these commissions

A No sir.

Q Did any of them receive any scrip - did she Patsy Pebworth receive any scrip from the government which entitled her to select land in Mississippi Alabama Louisiana or Arkansas?

A I don't know sir.

These certificates or this scrip were in the form of documents issued by the government and entitled the holder to select land in the place of the land that the government had taken from them in the old Choctaw Nation and sold. You never heard they got any? A No sir I never heard they got it, no sir.

Q Do you speak the Choctaw language or understand it? A No sir.

Q What relation did you say you were to Vassey V. Pebsworth?

A My second cousin.

Q Would you like to have your case considered under her application? A I suppose so.

Q For the purpose of consolidation? A Yes sir.

The case of Vassey V. Pebsworth M.C.R. 6144 is here referred to for the purpose of consolidation.

Q If that Vassey V. Pebsworth or if Emma P. Barnes a white woman claiming for her three minor children having Choctaw blood or if any other claimants who present their claims under the consolidated case of Vassey V. Pebsworth claim Choctaw blood through your grandfather Henry, they made a mistake did they?

A Yes sir - I think so.

Q You think they should claim through Patsy his wife being a full blood and he being a white man? A Yes sir I think so; I don't see how they could get blood from him when he didn't have it.

This applicant will be allowed time up to and including the 24th day of March 1903 in which to introduce other proof in this case if he desires to do so.

Examination by Mr. Cole Attorney for applicant.

Q Do you remember your grandmother and grandfather? A I remember my grandmother and my grandfather I never seen him.

Q Was she a full blood Indian? A She looked to be; it's my understanding she was a full blood; of course we only know from what we heard; she looked to be a full blood.

Q Did she speak the Choctaw language? A If she did it was through signs; she was a deaf mute.

Q She was deaf and dumb? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has dark brown hair.

Q Was your hair formerly black? A Yes sir; blacker than it is

William Marshall Clover 7

now; it's getting a little gray.

Hair formerly black; now somewhat gray; mustache was light brown wasn't it? A Yes sir.

Mustache was light brown, now somewhat gray; color is medium dark; blue eyes. He has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Clara Mitchell Woodbeing first duly sworn upon her oath states that she reported the above entitled cause on the 27th day of February 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 14th day of March 1903

Charles H. Sawyer

Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

HEREIN IN REPLY TO THE FOLLOWING:

Choctaw D-685.

Muskogee, Indian Territory, March 5, 1902.

W. M. Clover,

Cerro Gordo, Arkansas.

You are hereby notified that the application of yourself

for enrollment as a citizen of the Choctaw Nation will be taken up for final consideration by the Commission to the Five Civilized Tribes, at its office in Muskogee, Indian Territory, on the 15th day of April, 1902.

On said date you may, if you desire, appear before the Commission in person or by attorney when an opportunity will be given you to introduce any additional testimony affecting said application which you may think proper or necessary.

You are further notified that the representatives of the Choctaw Nation will also, at the same time, be afforded an opportunity to introduce testimony affecting your right to enrollment, but said representatives will be required to notify you of their intention to introduce such testimony before they will be permitted to do so.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

T. B. Needles.

Register.

Commissioner in Charge.

Muskogee, Indian Territory, March 22, 1902.

W. L. Ray,

Cerro Gordo, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you state that you have in your office a recent letter from the Commission to the Five Civilized Tribes addressed to W. M. Clover at your place but there is no such man living in your neighborhood who receives his mail at your post office.

You are advised that the last postoffice address as given by W. M. Clover as the same appears from our records was Cerro Gordo, Arkansas and you are requested that if he does not receive his mail at your postoffice that you forward the same to his address at Curtis, Clark County, Arkansas.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, November 18, 1902.

W. M. Clover,

Curtis Station, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you desire to be advised if it is necessary for you to again appear before the Commission.

In reply to your letter you are advised that it appears from our records that W. M. Clover is an applicant for enrollment as a citizen by blood of the Choctaw Nation. His name does not appear upon any of the Choctaw ~~rolls~~ rolls in our possession but it appears that he made application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, for citizenship in the Choctaw Nation, which petition was rejected by the Commission and from the decision of the Commission to the United States Court in Indian Territory within the time prescribed by law.

If, however, you desire to again appear before the Commission you can do so at one of the appointments specified in the circular enclosed you herewith.

Respectfully,

Substitute

Choctaw D 685

Muskogee, Indian Territory, November 18, 1902.

W. M. Clover,

Curtis Station, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you desire to be advised if it is necessary for you to again appear before the Commission.

In reply to your letter you are advised that it appears from our records that W. M. Clover is an applicant for enrollment as a citizen by blood of the Choctaw Nation. His name does not appear upon any of the Choctaw tribal rolls in our possession but it appears that he made application to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896, for citizenship in the Choctaw Nation, which petition was rejected by the Commission and from such decision of the Commission no appeal was taken to the United States Court in Indian Territory within the time prescribed by law.

The action of the Commission in 1896 determined your rights to a finality as a citizen by blood of the Choctaw Nation.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, April 24, 1903.

Received of the Commission to the Five Civilized Tribes
one copy of testimony in each of the following Mississippi Choctaw
cases:

Mary Clover,

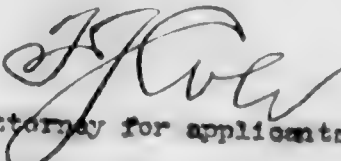
M C R 6789

Matilda Clover,

M C R 6790

William M. Clover,

M C R 6791 ✓


Attorney for applicants.

COPY.

Muskogee, Indian Territory, October 27, 1903.

William M. Clover,

Curtis, Arkansas.

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying you as a Mississippi Choctaw.

You are advised that a copy of the decision above referred to has this day been forwarded to Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902 (32 Stats., 641):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the person identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo Chickasaw Nation, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R. 6791

Muskogee, Indian Territory, April 6, 1904.

William M. Clover,

Curtis, Arkansas.

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

Commissioner in Charge.

M.C.R. 6791

Muskogee, Indian Territory, April 12, 1904.

William M. Clover,

Curtis, Arkansas,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you as a Mississippi Choctaw, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered.

No. R. 6791

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name William M. Glover

Age 54 - Blood $\frac{1}{4}$

Post Office, Curtis, Ark -

Father: William H. Glover, d

Mother: Mary A. " l

Claims through mother $\frac{1}{2}$

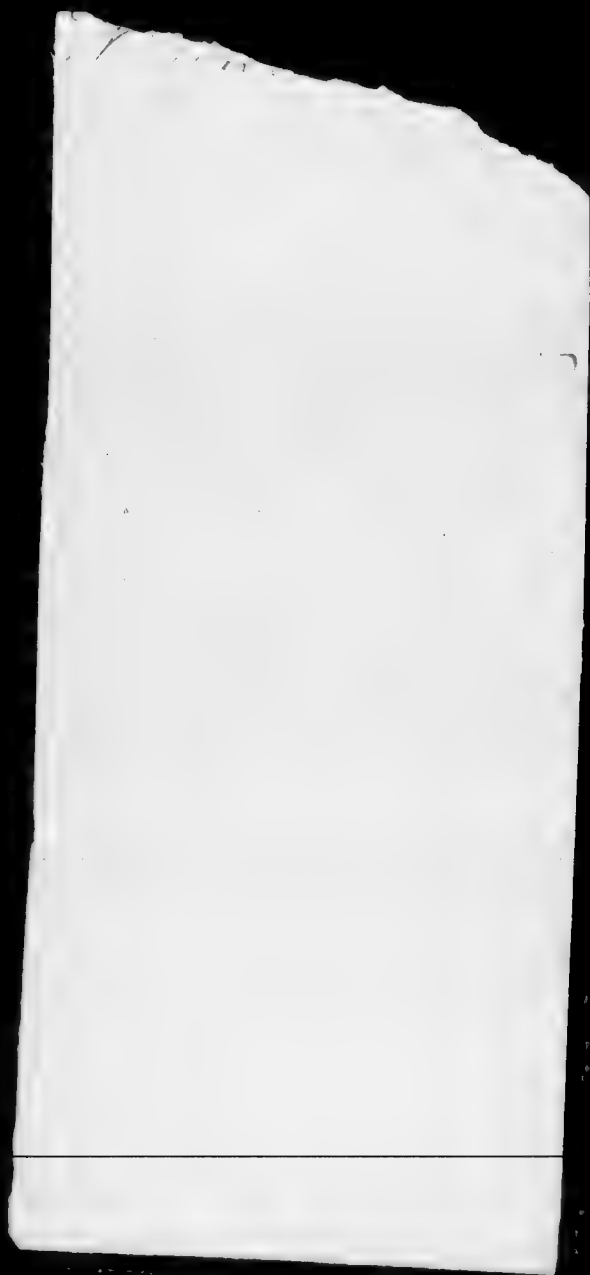
Wife.

Falitha J. Glover, d w

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Claims for 2 reg
alone

Strengthened claim mother and



Choctaw MCR 6792

Josiah M. Clover

MCR 6792

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 27, 1903.

6792

In the matter of the application of Josiah M. Clover for the identification of himself and his three minor children, Nettie Lee, Robert Arthur and Leander Louis Clover, as Mississippi Choctaw

T. J. Cole representing applicants:

Josiah M. Clover being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Josiah M. Clover.
Q What is your age? A Forty four.
Q What is your post office address? A Curtis, Arkansas.
Q How long have you lived in Curtis Arkansas or near there?
A All my life.
Q Were you born there? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Eli Clover.
Q What is your mother's name? A Matilda Clover.
Q Has Matilda Clover been before the Commission today to be identified as a Mississippi Choctaw? A Yes sir.
Q You claim through her, don't you? A Yes sir.
Q How much Choctaw blood do you claim? A One eighth.
Q Do you claim your mother is one quarter Choctaw Indian? A Yes -- my mother is one half.
Q Then you claim to be one quarter Choctaw Indian? A Yes sir.
Q Has your mother been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know.
Q You don't think she has, do you? Because she has been here to-day to be identified as a Mississippi Choctaw and if she were enrolled she would hardly come here today? A I don't know whether that would be necessary or not.
Q Are you married? A Yes sir.
Q Is your wife living? A My second wife is living.
Q Are your minor children by your second or first wife?
A Two by my first and one by my second.
Q What is the name of your second wife? A Meacie Karr.
Q That was her maiden name wasn't it? A Yes sir.
Q She afterwards became Meacie Karr Clover taking your name?
A Yes sir.
Q She is dead? A Yes sir.
Q What was her race? I mean what was she, Indian or white woman?
A She was a white woman.
Q You say you have two children by her? A Yes sir.
Q Minors? A Yes sir.
Q What is the name of your second wife? A Agnes Walton.
Q Was that her maiden name? A Yes sir.
Q Agnes Clover? A Yes sir.

J.M.Clover----2

- Q Is she living now? A Yes sir.
- Q What is her race? A She is a white woman.
- Q Do you make any claim for her? A No sir.
- Q Have you three minor children? A Yes sir.
- Q What is the name of the oldest? A Nettie Lee Clover.
- Q How old? A She is 11 years old.
- Q The next? A Robert Arthur Clover.
- Q How old is he? A He is 9 years old.
- Q Were these two children by your first wife, Meacie? A Yes sir.
- Q Have you another child? A Yes sir.
- Q What is the name of the other child? A Leander Louis.
- Q How old? A He is ten months old.
- Q Is this your child by your second wife, Agnes? A Yes sir.
- Q You claim for yourself and these three minors, do you? A Yes sir.
- Q Have you the proof of your marriage to your first wife with you now? A No sir.
- Q Have you with your second wife? A No sir.
- Q Can you tell when and where you were married to your first wife? A There near Curtis Arkansas.
- Q Were you married by a minister under a license? A Justice of the Peace.
- Q Under a license? A Yes sir.
- Q What date? A I don't just remember.
- Q Can you remember the date of your marriage to your second wife, Agnes? A 16th September two years ago.
- Q Were you married by a minister under a license to her? A Justice of the Peace.
- Q Under a license? A Yes sir.
- Q Near Curtis in Arkansas? A Yes sir.
- Q Is your name together with the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time with your children? A No sir.
- Q Do you now come before this Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830; that is the article that has been read here. A I don't know.

The treaty was made between the United States Government and the Choctaw tribe of Indians in 1830 at a place called Dancing Rabbit Creek on the 27th day of September of that year; at that time these Choctaw Indians who were living in that old Choctaw Nation East of the Mississippi River partly in Mississippi and partly in Alabama. The design of the Government in making that treaty was to remove the Choctaw Indians from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect those Indians who stayed back there in the old Choctaw

Nation article fourteen was drafted and put into the treaty of 1830; the treaty was then signed and afterwards became ratified on the 24th day of February, 1831; article fourteen as put into the treaty is as follows: "Each Choctaw head of the family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply with that article or attempt to? A My grandfather did.
- Q Do you claim Choctaw blood through your grandfather? A Yes sir.
- Q What is his name? A Henry Pebworth.
- Q What about Patsy Pebworth? A That's my grandmother, wife of Henry.
- Q Do you claim any Choctaw blood through Patsy Pebworth, your grandmother? A Yes sir.
- Q Do you claim through both Henry and Patsy? A No sir, only through Patsy Pebworth.
- Q But you stated a few minutes ago that you claimed through Henry? A I didn't mean to.
- Q Do you want to change that now and claim your Choctaw blood only through Patsy Pebworth and not through her husband, Henry? A That's the way; only through my grandmother.
- Q Are you related to Vassie B. Pebworth? A Yes sir.
- Q Does she claim through the same common ancestor through whom you claim? A Yes sir.
- Q What relation are you to her? A Second cousin I guess. Cause her father was my first cousin.
- Q It would seem that she claimed Choctaw blood through Henry Pebworth and in the record of her case which is consolidated with that of Roscoe W. Pebworth et al., a copy of a patent was filed which patent was issued to one Henry Pebworth who is described as a Choctaw Indian; now you claim that your grandfather, Henry Pebworth was a white man, do you? A Yes sir.
- Q Do you know anything about this Henry Pebworth, a Choctaw Indian, who received land in Alabama under article fourteen of the treaty of 1830? A No sir.
- Q You never heard that Patsy Pebworth, your grandmother, ever received any patent from the Government did you? A No sir.
- Q Did Patsy Pebworth or any Choctaw ancestor of yours go to Col. Ward within six months after the treaty of 1830 was ratified and attempt to register under article fourteen of the treaty of 1830? A I don't know.
- Q Did you ever hear that she did actually register under that article or not? Patsy Pebworth? A No sir.
- Q Did she live in the old Choctaw Nation in Mississippi? A Not that I know.
- Q She didn't live in Mississippi? A I think so.
- Q Now are you sure she lived in Mississippi or in Alabama or in

J.M.Clover----4

both States? A I think perhaps they lived in Mississippi and then left.

Q Do you know that? A No sir, I am--that's my impression.

Q Upon what facts do you base that? A I have heard my mother and aunt talk.

Q They testified in their applications today and they didn't say that; they thought she lived in Alabama and didn't know whether she lived in Mississippi or not.

A Of course I could be mistaken all I know about that is what I have heard talked.

Q Well, you think she did live in the old Choctaw Nation there in Mississippi or Alabama? A In one or the other; of course.

Q Did she live there in 1830 and have a family there then, in other words, was she the head of a family there? A I don't know.

Q Do you know whether she or any Choctaw ancestor of yours lived on land in the old Choctaw Nation there in Alabama or Mississippi in 1831 and after that for five years and at the end of the period whether she or any other of your Choctaw ancestors received any patent from the Government for that land? A No sir, I don't know.

Q Did she or any of your Choctaw ancestors claim or hold any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

Q Did she or any Choctaw ancestor of yours go from that old Choctaw Nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.

Q Did she go with her husband and with your mother and aunt, both of whom were children of Henry and Patsy Peabworth from Alabama to Arkansas? A That's what I have been told.

Q And they stopped? A Yes sir.

Q And died there? A Yes sir.

Q That is, your grandfather and grandmother died there? A Yes sir.

Q Do you know when and where they died? A No sir.

Q Was Patsy Peabworth buried near Curtis, Arkansas? A There somewhere; I don't know just how near.

Q Didn't she die at the home of her daughter, Mary A. Clover? A I think I have heard her say so.

Q Do you know whether any of your Choctaw ancestors owned any improvements on land in the old Choctaw Nation in 1830? A No sir.

Q Did any of your Choctaw ancestors go to the Commission in 1837 or to the Commission appointed in 1842 which Commissions were appointed under various acts of Congress and claim any rights under article fourteen of the treaty of 1830? A I don't know.

Q These Commissions were appointed because of the complaints made by Choctaw Indians that they tried to register and had been prevented from so doing by Col. Ward the United States Indian agent and because he had prevented them the Government had taken their land from them in the old Choctaw Nation and sold it. Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana to take the place of the land which they had once occupied in the old Choctaw Nation and which the Government had taken and sold? A I don't know.

Q This scrip was issued under the act of Congress approved August 23, 1842. Do you speak the Choctaw language or understand it? A No sir, only a few scattering words.

Q Do you want to have your case consolidated under the head of Vassie B. Peabworth and others? A Yes sir.

The case of Vassie B. Peabworth, et al., cited in referred to for the purpose of consolidation.

Clover----5

This applicant will be allowed up to and including March 24, 1903 for the purpose of introducing other testimony in this application if he desires.

Q Any questions? A No sir.

This applicant has the appearance of being descended from white parentage; he has dark hair, now gray, mustache brown, sprinkled with gray, blue eyes, medium dark complexion. He has no knowledge of the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on February 27, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of March, 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, October 27, 1903.

Josiah M. Clover,
Curtis, Arkansas.

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying you and your minor children, Nettie Lee Clover, Robert Arthur Clover and Leander Louis Clover, as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded to Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and that they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the nations you will be notified thereof, but in the event no objection is entered by the nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1,

J.P.C.--2.

1902 (32 Stats., 641):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw Country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

H. D. Moffet.
Commissioner in Charge.

Registered.

M.C.N. 6792

Muskogee, Indian Territory, April 6, 1904.

Josiah M. Clover,

Curtis, Arkansas.

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your children, Kettie Lee, Robert A. and Leander L. Clover as Mississippi Choctaws, of which decision you were advised by registered mail, on the 27th day of October, 1903.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 12, 1904.

Josiah M. Clover,
Curtis, Arkansas,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your children, Nettie Lee, Robert A., and Leander L. Clover, as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

SIG: .

Commissioner in Charge.

Registered.

6792

No.

6792

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 20 1900

Name Josiah M. Clover.

Age 44; Blood $\frac{1}{8}$

Post Office, Curtis, Ark.

Father: Eli Clover. d

Mother: Matilda " l.

Claims through mother $\frac{1}{2}$
wife. 1

Meacie Clover (d), w

wife 2: Agnes " (d), w

No claim for wife -

Children:

Nettie Lee Clover. 11

Robert A. " 9

Meacie Clover (wife 1)

mother of these 2

Lander L. Clover, 10 m

Agnes (wife 2) mother

of the 3rd child.claim for neg &
3 sons

Monographs H. G. Harris

Josiah M. Glover &

IDENTIFIED

Date

Jan 10 1860

RECEIVED FORWARDED
APPLICANT

RECEIVED BY AGENCIES

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RECEIVED BY

Choctaw MCR 6793

William Pebroorth

MCR 6793

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEB. 27, 1903.

6793

In the matter of the application of William Pebworth for the identification of himself and his six minor children, William H., Lillie May, Pearl, Zelma, Maggie, & Josie Pebworth, as Mississippi Choctaws.

T. J. Cole, attorney for applicants:

William Pebworth being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William Pebworth.
Q What is your age? A Forty two.
Q What is your post office address? A Curtis, Arkansas.
Q Have you lived there all your life? A Yes, sir, was born and raised there.
Q Is your mother living? A No sir.
Q Is your father living? A No sir.
Q What was your father's name? A Joe Pebworth.
Q What was your mother's name? A Elizabeth Pebworth; Clover before she married.
Q Do you claim your Choctaw blood through your father or mother? A Through my father.
Q How much do you claim? A One quarter.
Q Was your father one half Choctaw? A Yes sir.
Q Was he ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know; he died when I was small.
Q He never lived in the Choctaw Nation, did he? A No sir.
Q Is your wife living? A Yes sir.
Q What is her race? A White woman.
Q Do you make any claim for her? A No sir.
Q What is her name? A I don't really know all her name; Florence is her given name.
Q Have you any children you want to make application for? A One grown child.
Q Well, your minor children; haven't you any children you want to make application for? A No sir; my children are all under age.
Q What is the name of the oldest one? A William H. Pebworth.
Q How old is he? A Nineteen.
Q How the next? A Lillie May.
Q She is living? A Yes sir.
Q How old? A Fifteen.
Q Next? A Pearl.
Q Is that a girl? A Yes sir.
Q How old is she? A Thirteen.
Q How the next? A Zelma; that's a boy.
Q How old is he? A Seven year's old.
Q The next? A Maggie.
Q How old is she? A Six years old.

- Q Next? A Josie.
- Q Is that all of your children? A Yes sir.
- Q How old is Josie? A Three years old.
- Q You claim for yourself and these six minor children, do you?
- A Yes sir.
- Q You spoke of a grown child; but you would have to be appointed guardian of that child to make application for it. A Well, its mother is dead and its father has married again and he is living about twenty miles from me.
- Q Is your wife, Florence, the mother of these children? A Yes sir.
- Q Are you and your wife living together as husband and wife and are these children living with you at your home? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation together with your childrens' in the Indian Territory? A I can't tell you.
- Q You never heard that they were? A No sir.
- Q You never lived in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your children- minors- to either the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Neither you nor your children have been admitted as citizens of the Choctaw Nation by any authority? A No sir.
- Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q You claim under article fourteen of that treaty, don't you, of 1830? A Yes sir.
- Q Don't you understand that article well enough to claim under it?
- A Well, I don't know.

The treaty of 1830 was made between the United States Government and the Choctaw Nation at Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830; the Government desired to remove the Choctaw Indians from the old Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, and obtained their consent by making this treaty which they signed; but all the Indians didn't go; some refused to go from that old Nation under the treaty; in order to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation article fourteen which you are claiming under now was drawn up and put into the treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with that article or not? A No sir.
- Q When do you claim your right to be identified through? A My father,

W. Pebworth----3

- Q Go back now to your grand-parents- go back as far as you can-- to 1830. A --
- Q Do you claim through your grandmother, Patsy Pebworth? A That's what they tell me.
- Q Do you know whether you claim through her or through her husband, Henry or both? A No sir, only her; Henry, if I understand right is a white man.
- Q This is your grandmother? A Yes sir.
- Q And you claim through Patsy Pebworth as a Choctaw Indian? A Yes sir.
- Q How much Choctaw blood did she have? A Full blood they tell me.
- Q Do you know whether she lived in Alabama or Mississippi? A In Mississippi I suppose.
- Q You must not suppose, now, for some of your relatives testified differently. Did you ever hear that she lived in Alabama? A Not that I recollect.
- Q Do you know whether she lived in the old Choctaw Nation there in Mississippi or Alabama in 1830 and was the head of a family then? A I don't know.
- Q Did she try to register under article fourteen of the treaty of 1830 within six months after its ratification? A I don't know.
- Q Did she or any of your Choctaw ancestors live on land in Mississippi or Alabama for five years and then get a patent from the Government for that land? A I can't say.
- Q You understand what I mean by patent; I mean a deed. A Yes sir.
- Q Did you ever hear that a fellow named Henry Pebworth, a full-blood, received a patent from the Government under article fourteen of the treaty of 1830? A No sir.
- Q You are sure Henry Pebworth, your grandfather, was a white man? A That's what they tell me.
- Q That is family history and tradition? A Yes sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I can't tell you.
- Q Did any of them go with the other Indians between 1803 to 1838? A I don't know.
- Q Did you ever hear that Patsy Pebworth and her husband Henry, the white man, together with their children went from the old Choctaw Nation to Arkansas? A Yes, I have.
- Q And they stopped there, didn't they? A Yes sir.
- Q Didn't go any farther than Arkansas? A Not as far as I know.
- Q Did you ever hear that any of your Choctaw ancestors owned any improvements on land in the old Choctaw Nation in 1830? A No sir I never heard.

The act of Congress approved March 3, 1837 and another act of Congress approved August 23, 1842, caused the appointment of two different Commissions which Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed to hear the complaints of Choctaw Indians who tried to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty but were prevented from registering by Col. Ward who refused to allow them to be registered and because of his refusal these Indians had their land taken from them by the Government and sold at Public Land Sales.

W. Pebworth----4

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under article fourteen of that treaty? A I don't know.

Q Did any of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.

Q Who is Vassie B. Pebworth? Any relation of yours? A I can't tell you.

Q Didn't you ever hear of Vassie B. Pebworth? A Well, taht's Louis Pebsworth's wife; a cousin of mine: I believe.

Q Well, a Vassie B. Pebsworth has made application to be identified as a Mississippi Choctaw; do you know whether she claimed through Henry, her ancestor, or Henry's wife, Patsy Pebsworth?

A I don't know.

Q Do you want to have your case consolidated under the head of her case and others who are consolidated with her case? A I don't know.

Q Mr. Cole, your attorney, says you do; do you want to? A Yes sir

The case of Vassie B. Pebsworth et al., W.C.R. 5144, is referred to for the purpose of consolidation

This applicant will be allowed time to and inclusive of the 24th day of March, 1903, for the purpose of producing other proof in this case.

Q Do you speak or understand the Choctaw language? A No sir.

Q Any questions? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; light brown hair, very light mustache and whiskers, light brown eyes; his complexion is light. And he has no knowledge of the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on February 27, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of March, 1903.

Charles H. Sawyer

Notary Public.

M.C.R. 6793.

Muskogee, Indian Territory, October 27, 1903.

William Pebworth,

Curtis, Arkansas.

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying you and your minor children, William H. Pebworth, Lillie May Pebworth, Pearl Pebworth, Zelma Pebworth, Maggie Pebworth and Josie Pebworth, as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded to Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902

W.P.--2.

(32 Stats., 641):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

T. B. Hodges.
Commissioner in Charge.

Muskogee, Indian Territory April 6, 1904.

William Pebworth,

Curtis, Arkansas.

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your children, William H., Lillie May, Pearl, Zelma, Maggie and Jonie Pebworth, as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

Commissioner in Charge.

M.C.R. 6793

Muskogee, Indian Territory, April 12, 1904.

William Pebworth,
Curtis, Arkansas,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your children, William H., Lillie May, Pearl, Zelma, Maggie and Josie Pebworth, as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

Commissioner in Charge.

(793

No. 6793

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB. 1906

Name William Peabworth

Age 42

Blood 1/4

Post Office, Curtis, Ark.

Father: Joe Peabworth, d.

Mother: Elizabeth " d.

Claims through father $\frac{1}{2}$ —

wife.

Flower " I. no.

No claim for wife

Children:

William H. Peabworth, 19

Lillie May " 15

Pearl " F. 13

Zelma " M. 7

Maggie " 6

Josie " 3

Claims for self
and 6 minors

Monograph 205. Keam

FOR IDENTIFICATION AS
A MEMBER OF THE LAW

R.67

William Peabworth
IDENTIFIED

DECISION OF THE

U.S. DEPT. OF JUSTICE

NOTICE OF DECISION FORWARDED
APPLICANT

NOTICE OF DECISION

FORNEY

FOR APPLICANTS.

FORWARDED
AND
CHICAGO, ILL.

NON

STAMP

U S R

Choctaw MCR 6794

David Pebroorth

MCR 6794

1192
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. FEBRUARY 27, 1903.

6794

In the matter of the application of David Pebworth for the identification of himself and his four minor children, Artie, Charley, Lee and Clarence Pebworth, as Mississippi Choctaws.

T. J. Cole, attorney for applicants:

David Pebworth being sworn testified as follows:

Examination by the Commission:

Q What is your name? A David Pebworth.
Q How old are you? A Thirty nine.
Q Where is your post office address? A Gurdon, Arkansas.
Q How long have you lived in Arkansas? A All my life.
Q Born and raised there? A Yes sir.
Q And you were in Gurdon how long? A Seven or eight years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Joe Pebworth.
Q What was your mother's name? A Elizabeth.
Q through which parent do you claim? A My father.
Q How much Choctaw blood do you claim? A One fourth.
Q Was your father a half Choctaw? A Yes sir.
Q Was your father ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No sir, I reckon not.
Q Do you know when and where your father was married? A No sir.
Q Do you know whether he was married by a minister under a license? A No sir, I don't.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Is she a Choctaw Indian or white woman? A White woman.
Q What is her name? A Maggie Butler before I married her.
Q That was her maiden name? A Yes sir.
Q Maggie Pebworth? A Yes sir.
Q You don't make any claim for her then? A No sir.
Q Now give me the names of your children under 21 and unmarried beginning with the oldest? A Artie Pebworth, 14; Charley Pebworth 11; Lee Pebworth, 8; Clarence Pebworth, 2.

D.Pebsworth---2

- Q Is that all? A Yes sir.
- Q You claim for yourself and these four children? A Yes sir.
- Q Is your wife Maggie the mother of these children? A Yes sir.
- Q Are you living with her as husband and wife and are the children living with you at your home? A Yes sir.
- Q Have you proof of your marriage to her with you now? A No sir.
- Q Do you know when you married her? Give me the exact day of the month and year. A I can't do it now.
- Q Were you married by a minister under a license? A Yes sir.
- Q Where were you married to her? A At Little Mill in Arkansas and we were married at a little station down there.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory or don't you know? A No sir.
- Q You have never lived in the Choctaw Nation have you? A No sir.
- Q Then you didn't come over here and get enrolled with your children? A No sir.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830 or don't you understand that article? A No sir.

Article fourteen of the treaty of 1830 is an article that was put into that treaty for the especial protection and benefit of Mississippi Choctaws who refused to go from the old Choctaw Nation in 1831 with the other Choctaw Indians under the treaty or in 1830. This treaty was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year, 1830, for the purpose of removing the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation Indian Territory; when it became known that many of these Indians would refuse to go with the other Indians under this treaty article fourteen was drafted and put into the treaty. It is the article under which you claim today and is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age too and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons

D. Pebsworth----3

who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article, do you know? A No sir I don't
- Q Who do you claim your right to be identified through now?
- A From my father.
- Q Whom did he claim through his father or mother? No answer.
- Q What was his father's name? No answer.
- Q Who was Henry Pebsworth do you know? A Yes sir.
- Q Who was it? A That was his father wasn't it?
- Q I don't know; you ought to know; did Joe Pebsworth have a father named Henry? A Yes sir.
- Q Who was your grandfather, Henry? A Yes sir.
- Q Did he have a wife named Patsy? A Yes sir.
- Q Were Henry and Patsy the father and mother of your father, Joe?
- A (No answer).
- Q Did any of your Choctaw ancestors live in the old Choctaw Nation in Mississippi or Alabama in 1830 and have a family therethen?
- A I don't know sir.
- Q Did any of your Choctaw ancestors own or claim any land in that old Choctaw Nation there in Mississippi or Alabama under article fourteen of the treaty of 1830. A I don't know.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation there in Mississippi or Alabama for five years and then get a patent from the Government for that land under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838 or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors go to Col. Wm. Ward the United States Indian agent within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A Do you know?
- A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830? A (No answer.)
- Q Did any of them go before the Commission of 1837 or 1842 and claim any benefits under article fourteen of the treaty of 1830? (No answer.)

These Commissions were appointed by various acts of Congress to hear the complaints of Choctaw Indians who claimed that they had gone to Col. Ward the United States Indian agent within six months after the treaty of 1830 was ratified and had registered or attempted to register under article fourteen of that treaty but because Col. Ward wouldn't allow them to register the Government had afterwards taken their lands from them in that old Choctaw Nation and sold it at Public Land Sale.

- Q Did you ever hear whether any of your Choctaw ancestors went before either of these two Commissions? A No sir.

D.Pebworth----4

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A No sir.

Q This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them by the Government and sold at its Public Land Sale.

Q Are you related to Vassie B. Pebsworth? A Yes sir.

Q What relation are you to her? A Cousin I believe.

Q Do you want to have your case consolidated under the head of her application and others? A Yes sir.

Her case, Vassie B. Pebsworth, et al., M.C.R/ 6144, is referred to for the purpose of consolidation.

Q Now, Vassie B. Pebsworth, or those that made application for her, in that claim claimed through Henry Pebsworth; do you understand that Henry Pebsworth was a white man; I refer now to your grandfather the husband of Patsy? A That's what I have been told.

Q And you understand that his wife Patsy had the Choctaw blood? A Yes sir.

Q Do you understand or speak the Choctaw language? A No sir.

This applicant will be allowed to and inclusive of March 24, 1903 for the purpose of introducing other proof in this case if he desires to submit it.

Examination by Attorney for applicant:

Q What relation are you to Mary A. and Matilda Clover? A My aunts

Q They're your father's sisters? A Yes sir.

Q What kin are you to the gentleman sitting over there- Joe Pebworth? A Brothers.

Q How are you related to this Pebsworth over here? A The three are brothers.

Q What kin are you to William Clover? A Cousin.

Q J.M.Clover? A Cousin.

Q That's all.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair, light reddish brown mustache, blue eyes, medium fair complexion; he does not understand the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the

D. Pebsworth----5

above case February 27, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of March, 1903.

Charles H. Sawyer

Notary Public.

M C R 6794

Muskogee, Indian Territory, July 8, 1903.

Dave Pebworth,
Bradshaw, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 28, 1903, in which you ask to be advised the status of your case.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws. Up to the present time the Commission has not rendered any decision relative to your right to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

COPY:

M. C. R. 6794.

Muskogee, Indian Territory, October 27, 1903.

David Pebworth,

Bradshaw, Arkansas.

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying you and your minor children. Artie Pebworth, Charley Pebworth, Lee Pebworth and Clarence Pebworth, as Mississippi Chootaws.

You are advised that a copy of the decision above referred to has this day been forwarded to Messrs. Mansfield, McMurray & Cornish, the attorneys for the Chootaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Chootaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1,

D. P. --2.

1902 (32 Stats., 641):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 17, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

E. C. Hodges.
Commissioner in Charge.

M.C.R. 6794.

Muskogee, Indian Territory, April 6, 1904.

David Febworth,
Bradshaw, Arkansas,

Dear Sir:

You are hereby notified that on the 6th day of April 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your children Artie, Charley, Leo and Clarence Febworth, as Mississippi Choctaw Indians, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

T. E. Justice.

Commissioner in Charge.

M.C.R. 6794.

Muskogee, Indian Territory, April 12, 1904.

David Pebworth,

Bradshaw, Arkansas,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your children, Artie, Charley, Lee and Clarence Pebworth, as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.

M C R 6794

Muskogee, Indian Territory, April 28, 1905.

Fooshee & Brunson,
Attorneys at Law,
Coalgate, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 24, 1905, in response to our request of the 17th instant, and the information now furnished by you has enabled us to locate the name of David Pebworth upon our records as an identified Mississippi Choctaw and the father of David Clifford Pebworth, for whose enrollment as a citizen of the Choctaw Nation application was received at this office on April 13, 1905.

Respectfully,

Chairman.

No. 6794
 FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date
 Name David Peabworth
 Age 39 - Blood 1/4
 Post Office, Gurdon, Ark.
 Father: Joe Peabworth } d
 Mother: Elizabeth " } d
 Claims through father 1/2
 wife.

Maggie Peabworth l. v. r.
 No claim for wife
 Children:

Artie Peabworth,	14
Charley "	11
Lee "	8
Clarence	2
Claims for	
self & 4 minors	

Stenographer H. G. D. Lamin

David () with a
IDENTIFIED

DECISION

007

NOTICE OF DECISION ON PETITION AND
APPLICANT

NOTICE OF DECISION
FOR PETITIONER FORNEY
FOR APPLICANTS.

007

COM

ATTN

CHICKADEE

MAILED

AND

Choctaw MCR 6795

Joe Pebroorth

MCR 6795

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. Feb. 27, 1903.

6795

In the matter of the application of Joe Pebworth for the identification of himself and his minor child, Josie Viola Pebworth, as Mississippi Choctaws.

T.J. Cole, attorney for applicants:

Joe Pebworth being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Joe Pebworth.
Q What is your age? A Thirty nine.
Q Is David Pebworth your twin brother? A Yes sir.
Q What is your post office address? A Gurdon, Arkansas.
Q Have you always lived in Arkansas? A Yes sir.
Q How long in Gurdon? A 7 or 8 years. Off and on working at the mill.
Q But you have never lived out of the State of Arkansas? A No sir.
Q And is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Joe Pebworth.
Q The same as your name? A Yes sir.
Q What was your mother's name? A Elizabeth.
Q Do you claim through your father or mother? A My father.
Q How much Choctaw blood do you claim? A One fourth. One third I believe; no, one fourth.
Q Are you sure about that? A Yes sir.
Q How much Choctaw blood did your father have? A One half.
Q Was your father ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir; don't know.
Q Do you know when and where he was married? A No sir.
Q Have you proof of his marriage with you? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Is she an Indian or a white woman? A Yes sir, white.
Q What is her name? A Saphronia.
Q Do you make any claim for her? A No sir.
Q Give me the name of your children? A I have one; Josie Viola.
Q How old is she? A Five years old.
Q Got any more children? A No sir, that's all.
Q You claim for yourself and this one child? A Yes sir.
Q Is your wife Saphronia the mother of this child? A Yes sir.
Q Are you and your wife living together as husband and wife and is this child living with you at your home? A Yes sir.
Q When were you married to her? A I don't know.
Q Were you married by a minister under a license? A Yes, by license.
Q In Arkansas? A Yes sir.

J. Peabworth---2

Q Where in Arkansas? A Close to a little station by the name of Curtis.

Q That's near where your aunt Mary Clover lives? A Yes sir.

Q And Matilda? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory with your child? A No sir, not that I know of.

Q Have you ever made any application for citizenship in the Choctaw nation to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A

Q For yourself and child? A No sir.

Q Have you ever been admitted to citizenship with your child in the Indian Territory by any authority whatever up to the present time? A No sir, reckon not.

Q Do you come before the Commission at this time to identify yourself and this child as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

Q That I explained and read to your brother? A Yes sir.

Q Do you understand that well enough to claim under it now? A Yes sir.

It reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you claim through your grandparent, Patsy Peabworth? A Yes sir.

Q What is her husband's name? A Henry Peabworth.

Q What was his race or blood or nationality; was he a white man or Indian? A I believe he was a white man.

Q What was Patsy, his wife? A She was Choctaw.

Q How much? A Full blood I guess.

Q Did she live in Mississippi or Alabama in 1830 and have a family there then? A I can't say.

Q In which State? A I don't know.

Q You think she lived in one or the other in the old Choctaw Nation? A I think so.

J. Pebworth----3

- Q Have you ever heard so in the family? A Yes sir.
- Q Did any one ever tell you she lived in Mississippi or Alabama? A Yes sir.
- Q Told you where? A In Mississippi.
- Q Did any of your Choctaw ancestors Patsy Pebworth or any other go to the United States Indian agent, Col. Ward within six months from the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know sir.
- Q Did she or any Choctaw ancestor of yours live on land in that old Choctaw Nation in Mississippi or Alabama for five years and then get a patent from the Government for that land? A I don't know.
- Q Did she or any of them claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any Choctaw ancestors of yours go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1835 to 1838 or 1840? A I don't know whether they did or not.
- Q Did any of them go at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation, Indian Territory? A I don't know.
- Q They went to Alabama, didn't they? Henry and Patsy your grandparents? A Yes sir.
- Q And died there in Alabama, didn't they? A I don't know sir.
- Q What year did they go to Arkansas from the old Choctaw Nation if you know? A No sir, I don't know.
- Q Did either of them or any ancestor of yours own any improvement on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any Choctaw ancestor of yours go to a Commission appointed by an act of Congress approved March 3, 1837 or another August 23, 1842, and claim any benefits under article fourteen of the treaty of 1830? A Not that I know of.

These Commissions were appointed one in 1837 and the other in 1842 because of the complaints of Choctaw Indians who tried to register under article fourteen within six months after the ratification of the treaty of 1830 but because they were prevented from registering by Col. Ward the United States agent they had their lands taken from them and sold at Public Land Sale.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know sir.
- Q This scrip was issued under the act of Congress approved August 23, 1842, and was given to Choctaw Indians claimants who show that they had a right to claim under article fourteen of the treaty of 1830 and also proved that their land had been taken from them in that old Choctaw nation and sold.

This applicant has until and including March 24, 1903, for the purpose of introducing any proof that he may desire which is introduced under the rules of the Commission in support of this claim.

Joe Pebworth----4

- Q Do you want to have your case consolidated with the case of Vassie V. Pebworth et al.,? A Yes sir.
- Q She is related to you, is she? A Yes sir.
- Q And claims through whom; do you know? Does she claim through Patsy Pebworth? A Yes sir.
- Q Claim is made for her through Henry; that is a mistake isn't it? The husband of Patsy. Your grandmother--he has no Choctaw blood, has he? Henry Pebworth? A No sir, I don't think he has.
- Q I say if any claim is made through him it is a mistake according to your idea? A I suppose so.
- Q You claim he was a white man? A Yes sir.

(To attorney for applicants:)

Q Any questions? A No sir.

This applicant has the appearance of being descended from white parentage; light brown hair and reddish brown mustache, florid complexion, blue eyes. He has no knowledge of the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above Haskemny on February 27, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 17 day of March, 1903.

Charles H. Sawyer
Notary Public.

M.C.R. 6795.

COPY.

Muskogee, Indian Territory, October 27, 1903.

Joe Pebworth,

Gurdon, Arkansas.

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying you and your minor child, Jessie Viola Pebworth, as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded to Messrs. Vansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1,

J.P.--2.

1902 (32 Stats., 641):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

E. D. Smith,
Commissioner in Charge.

Registered.

M C R 6798

Muskogee, Indian Territory, April 6, 1904.

Joe Pebworth,
Gurdon, Arkansas.

Dear Sir:

You are hereby notified that on the 6th day of April 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your child Josie Viola Pebworth, as Mississippi Choctaw Indians, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

T. D. J. [Signature]

Commissioner in Charge.

M.C.R. 6795

Muskogee, Indian Territory, April 12, 1904.

Joa Pehworth,

Gurdon, Arkansas,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your child, Josie Viola Pehworth, as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

SIGN

Commissioner in Charge.

Registered.

6795

No. 6795

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 25 1902

Name

Joe Pebworth

Age

39

Blood $\frac{1}{4}$

Post Office,

Gurdon, Ark.

Father:

Joe Pebworth, d

Mother:

Elizabeth " d

Claims through

father $\frac{1}{2}$

wife.

Sophronia " l.w

No claim for wife -

Children:

Josie Viola " 5

Claims for wife
and one died

Stenographer H. W. Keams

R. 679

Joe Peabworth et al

RECEIVED

DEPT

OCT 27 1963

NOTICE OF DECISION FORWARDED

RECEIVED

NOTICE OF DECISION

1967

1963

1967

1963

Choctaw MCR 6796

Minnie C. Kennedy

MCR 6796

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 28, 1903.

6796

In the matter of the application of Minnie C. Kennedy for the identification of herself and her eight minor children, Pearl W., Pennie M., Wilson T., Winzer D., Warner G., Whitt, Portieor and Perchie L. Kennedy, as Mississippi Choctaws.

A.S. McRae, attorney for applicant:

Minnie C. Kennedy being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Minnie C. Kennedy.
Q What is your age? A Thirty five.
Q What is your post office address? A Zangwill, Oklahoma.
Q How long have you lived there? A Eight years.
Q How long in Oklahoma? A Twelve years.
Q Where did you live before you went to Oklahoma? A Mississippi.
Q Where were you born? A Madison County, Mississippi.
Q Where did you live in Mississippi till you went to Oklahoma?
A Carol County.
Q Is your father living? A Dead.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Watt Hicks.
Q What is your mother's name? A Mollie Alexander now.
Q Married again? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One fourth.
Q How much Choctaw blood do you claim your mother has? A A half.
Q Has she ever been recognized or enrolled as a Choctaw Indian
by either the Choctaw tribal authorities or the authorities of the
United States in the Indian Territory? A No sir.
Q Are you married? A I am.
Q Is your husband living? A Yes, here he is.
Q What is his race; what is he? A White and colored.
Q About half and half? A Yes sir.
Q What is his name? A Wilson J. Kennedy.
Q Do you make any claim for him as a Choctaw Indian? A I do not.
Q Now give me the names of your children commencing with the
oldest. A Pearl W. Kennedy.
Q How old is Pearl? A Sixteen.
Q The next? A Pennie M.
Q How old is she? A Fourteen.
Q The next? A Wilson T. Kennedy.
Q How old is Wilson? A Twelve.
Q The next? A Winzer D.
Q Boy? A Yes sir.
Q W-i-n-z-e-r? A Yes sir.

M.C.Kennedy---2

- Q How old? A Ten.
- Q Next? A Warner G.
- Q How old? A Eight.
- Q The next? A Whitt.
- Q How old is Whitt? A Six.
- Q The next? A Portieor.
- Q That is a girl? A Yes sir.
- Q How old is Portieor? A She's four.
- Q next? A Porchie L.
- Q Is that a girl? A Yes sir.
- Q How old is she? A Three.
- Q Have you got any more? A That's all.
- Q Is Wilson J. Kennedy the father of these children? A He is.
- Q Are you and your husband living together as husband and wife and are these children living with you at your home? A Yes sir.
- Q Have you proof of your marriage to your husband with you now?
- A No sir.
- Q When and where were you married to him? A In '85 on the 15th day of January in Carol County, Mississippi.
- Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw nation in the Indian Territory?
- A Not as I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
- A I haven't.
- Q Have you ever made any such application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896?
- A I haven't.
- Q Have you or your children ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A We haven't.
- Q Do you come before the Commission at this time to identify yourself and children as Mississippi Choctaws? A I do.
- Q Do you claim that right under article fourteen of the treaty of 1830, or don't you understand that article? A Not exactly.
- Q Do you know what a treaty is? A An agreement.
- Q -in writing made between Nations, isn't it? A Yes sir.
- Q An article in a treaty is one of its subdivisions or paragraphs; In 1830 a treaty was made between the United States Government and the Choctaw Indians who at that time lived in the old Choctaw Nation which was partly in Mississippi and partly in Alabama; this treaty was signed on the 27th day of September that year the treaty was made at Dancing Rabbit Creek in Mississippi and is sometimes called Dancing Rabbit Creek treaty. The object of the Government in making this treaty with them at that time was to remove them from the old Choctaw nation East of the Mississippi River to the Choctaw nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation with the other Indians under the treaty and in order to protect the interests of those Indians who preferred to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. The treaty was then signed and afterwards on the 24th day of February, 1831 was ratified. Article fourteen of the treaty of 1830 is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall

be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article?

A I do.

Q What is the name of your ancestor? A Jack Jenkins.

Q Do you claim your Choctaw blood through him? A Yes sir.

Q What relation is he to you? A Grandfather.

Q How much Choctaw blood did he have? A He was full blood.

Q Do you know anything about his father or mother? A I do not.

Q Don't know their names? A No sir.

Q Did Jack Jenkins live in Mississippi or Alabama at any time?

A He lived in Mississippi.

Q Was he born there? A I don't know.

Q Did he live there in 1830? A I don't know.

Q What was when this treaty was made; do you know whether he lived in the old Choctaw Nation at that time and had a family living with him? A My mother claimed he was there.

Q And had a family at that time? A Yes sir.

Q How many children did he have, do you know? A I don't know.

Q I mean in 1830? A My mother claimed he had three.

Q Living with him in 1830 in Mississippi? A Yes sir.

Q Were either of your parents slaves at any time? A My grandmother my mother's mother was slave to him, Jack Jenkins.

Q You claim through your mother? A Yes sir.

Q And she was a slave to Jack Jenkins? A My grandmother; my mother's mother.

Q Was your mother a slave? A Not as I know.

Q Was your father, Watt Hicks, a slave? A No, he was free born.

Q You say Jack Jenkin's wife was a slave to Jenkins? A Yes; and my mother was his child.

Q Was Jack Jenkins' wife a slave? A I don't know.

Q What made you say she was in the first place? A She was part colored.

Q Was Jack Jenkins a slave? A No, he was Indian.

Q Full blood? A Yes sir.

Q Did Jack Jenkins or any Choctaw ancestor of yours go to the United States Indian agent whose name was William Ward within six months from the ratification of the treaty of 1830 and register or attempt to register under article fourteen of the treaty of 1830?

A I don't know.

Q Did Jack Jenkins or any Choctaw ancestor of yours live on land in that old Choctaw Nation for a period of five years after the treaty of 1830 was ratified and at the end of that time get a patent from the Government under article fourteen of the treaty of 1830? A He lived on land there.

Q In Mississippi? A Yes sir.

Q Did he buy it? A I don't know.

Q You never heard where he got it? A No sir.

Q Or how he got it? A No sir.

Q Never heard that it was Government land that he took? A No sir.

Q Never heard of any patent issued by the Government to him? A No.

Kennedy----4

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory for the purpose of making a permanent home in the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.

Q Did any of your Choctaw ancestors go from 1833 to 1838 with the other Indians at the expense of the Government? A

Q Did you ever hear anything of that? A No.

Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw nation in 1830? A I don't know.

In 1837 by an act of Congress approved March 3, that year, and also in 1842 by another act of Congress approved August 23, that year, Commissions were appointed under various acts which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed was because of the complaints made by a great many Choctaw Indians that they had tried to register under article fourteen of the treaty of 1830 within six months after the ratification of the treaty but that Col. Ward the agent refused to allow them to register and therefore the Government afterwards took this land from these Indians together with the improvements on that land and sold them both.

Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claimed any benefits under article fourteen of that treaty? A I don't know.

Q In 1842 by an act of Congress approved August 23, 1842, scrip was issued to those Choctaw Indians when they had not only shown that they were entitled to rights under article fourteen of the treaty of 1830 as Choctaw Indians but also had further shown that their land in the old Choctaw nation had been taken from them by the Government and sold at Public Land sales. Do you know whether any of your Choctaw ancestors received any of this scrip or these certificates as we might call them which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't.

Q Do you speak or understand the Choctaw language? A I do not.

Q Have you any other evidence you want to present the Commission now in support of this claim? A No.

This applicant will be allowed time up to and including the 24th day of March, 1903, for the purpose of introducing other proof if she desires in this case.

Examination by Mr. McRae:

Q Is your mother living now? A Yes sir.

Q Where does she now reside? A Greenville, Mississippi.

Q Does she contemplate making application to be identified under article fourteen of the treaty of 1830 as a Mississippi Choctaw the same as yours? A She do.

Q In what County was the land upon which your grandfather, Jack Jenkins, located, if you remember? A Madison County.

Q Mississippi? A Yes sir.

Q Was your mother born upon these lands? A She was.

Q What was the name of your grandmother? A Rose Jenkins.

Q Do you know whether or not your alleged grandfather, Jack Jenkins, had another wife other than Rose Jenkins, the mother of your mother? A Lemander- Nellie Alexander? A Not as I know of.

Kennedy-----5

By the Commission:

- Q. Had Rose Jenkins any Choctaw blood? A. She was part.
Q. How much? A. About one half; she was part African.
Q. Well, then, you are not right when you say you are a quarter Choctaw blood; because if your grandmother was a half your mother would be a quarter through her and she would be a half through her father and a half and a quarter makes three fourths that your mother would be and you would be a half of that which is three eighths; you would be more Choctaw blood than you claim; three eighths is more than a quarter. Which is right? A. Three eighths.
Q. Do you want to change that? A. Yes sir.
Q. You had not studied that fraction out? A. No sir.
Q. You think three eighths is right? A. Yes sir.
Q. When the question was asked you if your mother was a half you made a mistake there didn't you? A. Yes sir.
Q. Do you want to change your testimony now and make your mother three quarters? A. Three quarters.
Q. You think that's right, do you? A. Yes sir.

This applicant appears to be descended from African parentage; if she has any other mixture the Commission is unable to determine it; she testifies that she has some Choctaw blood but in her physical appearance the negro blood predominates. She does not understand or speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 28, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 21 day of March, 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, November 2, 1903.

J. B. Ferguson,
Enid, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, by reference from W. F. Wells, in which you ask what action has been taken on the Mississippi Choctaw application of Minnie Kennedy, et al., and if A. S. McRae filed a certain patent and affidavit in this case.

In reply you are informed that it appears from our records that Minnie C. Kennedy made application to this Commission for the identification of herself and minor children as Mississippi Choctaws, which application was made a part of the consolidated Mississippi Choctaw case of Mollie Alexander, et al.

On September 24, 1903, A. S. McRae filed with this Commission a certified copy of a Patent in favor of Jack Jenkins for certain lands in Mississippi; also the affidavit of Mollie Alexander, but up to the present time no action has been taken in said case. When a decision is rendered, the applicants will be duly notified thereof.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, August 27, 1904.

Minnie C. Kennedy,

Zangwill, Oklahoma Territory,

Dear Madam:

You are hereby notified that on the 10th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mollie Alexander et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

(SIGNED)

Irene Dixby.

Chairman.

6796

No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Additional testimony -

Date

MAR 20 1903

Name *Minnie C. Kennedy*

Age 35

Blood

Post Office,

Father:

Mother:

Claims through

Children:

Stenographer

67965

No.

6796

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FEB 23 1903

Name Minnie C. Kennedy

Age 35.

Blood

~~7/8~~ $\frac{3}{8}$

Post Office.

Zanquill, Okla

Father: Wath Hicks.

Mother: Mollie Alexander.

Claims through

mother. ~~7/8~~ $\frac{3}{4}$

Husband

Wilson J. Kennedy

No claim for $\frac{1}{2}$ w/c.

Children:

Pearl W. Kennedy 16

Pennie M. .. 14

Wilson T. .. 12

Winger W. .. M. 10

Warner S. .. 8

Whitt .. 6

Portier .. F. 4

Percie L. .. F. 3

Claim. for sep &
8 men

Monographs

H. S. Davis

M. Kennedy et al.

REFUSED.

DECISION MAR 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT APR 16 1904

FORWARDED TO
NOTICE OF DECISION
FORWARDED TO
APPLICANT

APR 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 16 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

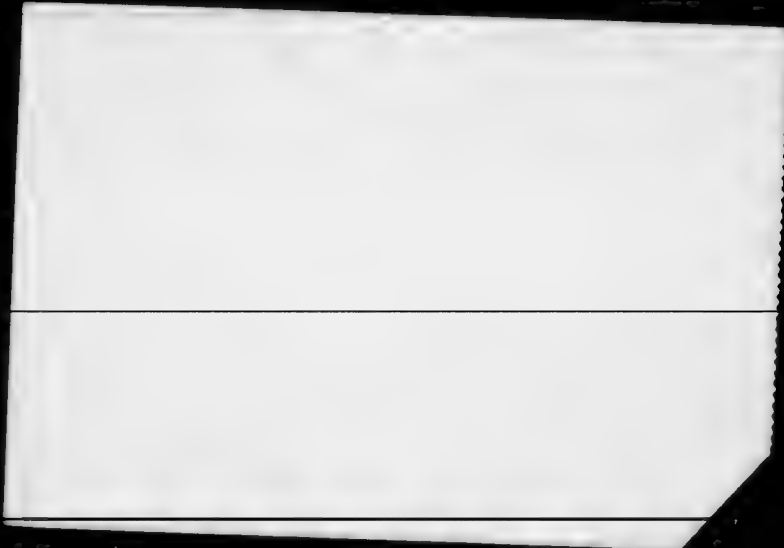
1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT

U.S.

U.S. DEPARTMENT OF THE INTERIOR

ATTENTION TO - 719.



Choctaw MCR 6797

Palestine Verner

MCR 6797

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. February 28, 1903.

6797

In the matter of the application of palestine Verner for identification as a Mississippi Choctaw.

S.W. Isaac, attorney for applicant.

Palestine Verner being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Palestine Verner.
Q What is your age? A Twenty seven years.
Q What is your post office address? A pacono, Texas.
Q How long have you lived there? A All my life.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Thomas Sayles.
Q What is your mother's name? A Mary Sayles.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Is she one quarter Choctaw Indian? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his race? A Negro.
Q What is his name? A George Verner.
Q Do you make any claim for your husband? A No sir.
Q Were your parents slaves at one time? A I don't know sir.
Q Did you ever hear that your father was? A Yes sir.
Q Did you ever hear that your mother was? A Well, I don't know whether my father was or not; I don't know whether either one of them was or not but I reckon they was.
Q Have you ever heard them or anyone say? What did you ever hear your father say about it? A I don't remember hearing him say anything or anybody else.
Q What makes you think they were then? A Cause that was during slavery time.
Q Did they live in Mississippi? A No sir.
Q Where did they live? A In Texas.
Q Have you any children you want to make application for? A No sir.
Q You claim for yourself alone do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
- Q Is this the first application you have ever made for citizenship rights in the Choctaw nation? A Yes sir.
- Q Is it your desire now to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A yes sir.
- Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made at a place in Mississippi called Dancing rabbit Creek between the United States Government and the Choctaw tribe of Indians on the 27th day of September 1830. The Government desired to remove the Choctaw Indians from that old Choctaw nation to the Choctaw Nation Indian Territory West of the Mississippi River; in order to do this this treaty was made between the Government and the Choctaw Indians for the purpose of getting their consent to move; before the treaty was signed it became known that a great many Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect their interests of those who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830. The article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty or not? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw now? A Through my mother.
- Q Can you go back farther than your mother? Who did she claim through? A Through her father.
- Q What was her father's name? A Jesse Newsom.
- Q Did he claim through his father or mother? A I don't know sir.
- Q You are not able to go back any farther than your grandfather, Jesse Newsom? A No sir.
- Q How much Choctaw blood did he have? A One half.
- Q This is your mother's father? A yes sir.
- Q Did he live in Mississippi in 1830 and have a family there then? A I don't know sir.
- Q Did he ever live in Mississippi or Alabama? A I don't know sir.
- Q Did any Choctaw ancestor of yours, Jesse Newsom or any other go to the United States Indian agent Col. Wm. Ward within six months after the ratification of the treaty of 1830 and register or at-

P. Verner----3

tempt to register under article fourteen of the treaty of 1830?

A Not that I know of.

Q Did any Choctaw ancestor of yours live on land in the old Choctaw nation there in Mississippi or Alabama for five years and at the end of that time get a patent to it from the Government under article fourteen of the treaty of 1830? A I don't know sir.

Q Did any of your Choctaw ancestors claim any land in that old Choctaw nation under article fourteen of that treaty? A I don't know sir.

Q Did any of them go from that old Choctaw nation to the Choctaw nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw nation Indian Territory? A Not that I know of.

Q Did they go between 1833 to 1838 with the other Indians at the expense of the Government? A I don't know sir.

Q Did any of them own any improvements on land in that old Choctaw nation in 1830? A I don't know sir.

In 1837 and also in 1842 by various acts of Congress Commissions were appointed which Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed because of the complaints made by Choctaw Indians that they had attempted to register under article fourteen of the treaty of 1830 but because Col. Wm. Ward the United States Indian agent had refused to allow them to register the land which they occupied in the old Choctaw nation had been taken from them by the Government together with improvements thereon and sold at Public Land Sale.

Q Did you ever hear that any of your Choctaw ancestors, Jesse Newsom, or any other went before either of these two Commissions and claimed any rights or benefits under article fourteen of the treaty of 1830 as Choctaw Indians? A No sir.

Q Did you ever hear that any of your Choctaw ancestors received any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A No sir.

Q This scrip was issued under an act of Congress approved August 23, 1842, and was issued to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw nation had been taken from them by the Government and sold at Public Land Sale. Do you speak or understand the Choctaw language? A No sir.

Q Do you want any time in this case? A No sir; I want it refer to 6364---(attorney for applicant says she is a daughter of this applicant.)

Q Is Mary Bayles your mother? A Yes sir.

Q She has made application to be identified as a Mississippi Choctaw, hasn't she, claiming for her six minor children also? A Yes sir.

Q Do you want to have your case considered under her application? A Yes sir.

Application of Mary Bayles et al., M.C.R. 6364, is here referred to for the purpose of consolidation.

P. Verner-----4

(TO ATTORNEY) Q Any questions? A No sir.

TO APPLICANT)

Q When your mother made application for identification as a Mississippi Choctaw November 1, 1902, she testified her father's name was Jesse Newsom and that her mother's name was Sarah Newsom; is that the Jesse Newsom that you are claiming through? A Yes sir.

Q And was his wife's name Sarah Newsom? A Yes sir.

Q Your mother testified when asked if her father Jesse Newsom was a slave she didn't know; but when asked if your grandmother, Sarah Newsom was a slave she said yes; did you ever hear that Sarah Newsom your grandmother was a slave? A Yes sir.

Q Now she further testified in answer to this question- and you are a slave I presume--she said yes; now this is your own mother and she testified that she was a slave; how is it you don't know whether she was or not? A I said I didn't know whether she was or not.

Q Well, she said that she was; now don't you recall that she told you she was? A What I mean by it is that I didn't know whether she did any work or not.

Q Well, now you understand that she was owned by some one? A Yes sir.

Q That's what you mean then, that she was owned by someone? A Yes sir.

This applicant has the appearance of being descended from negro parent age; she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 28, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 21 day of March, 1903.

Charles H. Sawyer
Notary Public.

COPY.

Muskogee, Indian Territory, August 5, 1903.

Palestine Verner,
Pawnee, Texas.

Dear Madam:

You are hereby advised that on the 5th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John H. Sayles, et al., embracing the following applications for identification as Mississippi Choctaws:

John H. Sayles, et al.,	M C R 6798
Palestine Verner,	M C R 6797
Willie Sayles, et al.,	M C R 6799
Anna Sayles, et al.,	M C R 7405

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 405) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H. Sayles, Willie Tensie May Sayles, Palestine Verner, Willie Sayles, Frederick Douglas Sayles, Anna Sayles, Henry Sayles, Lula Sayles,

Otha Sayles and Anderson Sayles as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Registered.

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

10000
REFER IN REPLY TO THE FOLLOWING:

M.C.R. 6797

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 15, 1905.

Verner Palestine,
Hocoma, Texas,

Dear Madam:

You are hereby notified that on the 8th day of June, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Sayles et al., of which decision you were advised by registered mail on the 5th day of August, 1903.

Respectfully,

Chairman.

M.C.R. 6797

Muskogee, Indian Territory, June 15, 1905.

Verner Palestine,

Nocona, Texas,

Dear Madam:

You are hereby notified that on the 8th day of June, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John E. Sayles et al., of which decision you were advised by registered mail on the 5th day of August, 1903.

Respectfully,

Tamc Dixby

SIGNED

Chairman.

6796

No.

6797

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Feb 17 1904

Name *Palestine Verner*

Age *27*

Blond

18

Post Office, *Pacono, Texas*

Father: *Thomas Sayles, + l*

Mother: *Mary " + l.*

Claims through *mother 1/4*

Husband *_____*

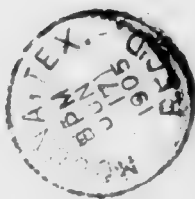
George Verner. l. neg.

No claim for husband

(N.N.N.)

*Claims for self
alone*

H. G. Haines



JUL 10 1905

TO FIVE

FOR IDENTIFICATION AT
A MOUNTAIN OF CLAW

R. 679

Palestine Verner

MISS.-CHOCTAW

ACTION APPROVED BY
SEC. OF THE DEPARTMENT.

JUN 15 1905

NOT TO BE USED IN ANY MENTAL ACTION
FORWARD TO THE DEPARTMENT OF LAW

15 1905

NOT TO BE USED IN ANY MENTAL ACTION
FORWARD TO THE DEPARTMENT OF LAW

JUN 15 1905

NOTICE
ACTION

MENTAL

JUN 15 1905

Choctaw MCR 6798

John H. Sayles

MCR 6798

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John H. Sayles, et al., for identification as Mississippi Choctaws, consolidating the applications of:

John H. Sayles, et al.,	M.C.R. 6798
Palestine Verner,	M.C.R. 6797
Willie Sayles, et al.,	M.C.R. 6799
Anna Sayles, et al.,	M.C.R. 7405

I N D E X

List of papers forwarded to the Secretary of the Interior comprising the record in this case

	Page
Original application of John H. Sayles, et al., before the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws,	1
Original application of Palestine Verner before the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws,	5
Original application of Willie Sayles, et al., before the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws,	9
Original application of Anna Sayles, et al., before the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws,	14
Decision of the Commission refusing the applications in the consolidated application of John H. Sayles, et al., for identification as Mississippi Choctaws,	19

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. Feb. 28, 1903.

6798

In the matter of the application of John H. Sayles for the identification of himself and his minor child, Willie Tessie May Sayles, as Mississippi Choctaws.

S. Isaac attorney for applicants.

John H. Sayles being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John H. Sayles.
Q What is your age? A Forty-one.
Q What is your post office address? A Pacono, Texas.
Q How long have you lived there? A All my life.
Q Is your father living? A Yes sir.
Q Is your mother? A Yes sir.
Q What is your father's name? A Thomas Sayles.
Q What is your mother's name? A Mary Sayles.
Q Do you claim your Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A One eighth.
Q Has your mother one quarter Choctaw blood? A Yes sir.
Q Has she been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.
Q She made application to be identified as a Mississippi Choctaw didn't she? A Lately; yes sir.
Q Do you want to refer to her case and have yours consolidated under hers? A Yes sir.

The application of Mary Sayles et al., M.C.R. 6364, for identification as Mississippi Choctaws, is referred to for the purpose of consolidation.

- Q Is your wife living? A Yes sir.
Q What is her race? A Negro.
Q What is her name? A Dolly Sayles.
Q Do you make any claim for her? A No sir.
Q Has, was your father a slave at any time? A Yes sir.
Q Was your mother? A I think so.
Q Have you any children that you want to make application for?
A One.
Q What is the name of that child? A Willie Tessie May.
Q Is that a girl? A Yes sir.

J.H.Sayles-----2

- Q How old? A One month and a half old.
- Q Is Dolly Sayles the mother of this child? A Yes sir.
- Q Are you and your wife living together as husband and wife and is the child living with you at your home? A Yes sir.
- Q You claim for yourself and this child do you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made any such application for citizenship in the Choctaw nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you want to be identified now as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September that year; the object of this treaty was to remove the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of those who preferred to stay back in the old Choctaw Nation article fourteen was drafted and put into the treaty; that article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article or not? A No sir.
- Q What is the name of your ancestor that you claim your right to be identified through now? A My mother.
- Q Through whom did she claim? A Through her father.

- Q What was her father's name? A Jesse Newsom.
- Q That's your grandfather? A Yes sir.
- Q How much Choctaw blood did he have? A One half I believe.
- Q Did he live in Mississippi in 1830 and have a family there then or in Alabama in the old Choctaw nation? A I don't know sir.
- Q Did you ever hear that he or any Choctaw ancestor of yours lived in Mississippi or Alabama in the old Choctaw nation in 1830 and had a family there then? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A Not that I know of.
- Q Did any of them live on land in the old Choctaw nation for five years after the ratification of the treaty of 1830 and then get a patent from the Government under article fourteen of that treaty? A Not that I know of.
- Q Did any of them go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838 or 1840? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw nation, Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw nation in 1830? A Not that I know of.

By an act of Congress approved March 3, 1837, and by an act of Congress approved August 23, 1842, Commissions were appointed which Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed because of the complaints made by Choctaw Indians that they had attempted to register under article fourteen of the treaty of 1830 within six months after its ratification but because Col. Ward had not allowed them to register, he had neglected to put their names on his list or register, the Government had taken their land from them in that old nation and sold it at Public Land Sale.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under article fourteen of that treaty? A I don't know sir.

Q Did any of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.

Q This scrip was issued under an act approved August 23, 1842, and was issued to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw nation had been taken from them by the Government and sold at its Public Land Sale. Can you speak the Choctaw language or understand it? A No sir.

Q Is there anything more you want to say now in support of this claim? A No sir.

Q Do you want any time in this case? A (Attorney for applicant says no sir.)

This applicant has the appearance and physical characteristics of

J.H.Sayles-----4

being descended from negre parentage; has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case February 28, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 21 day of March, 1903.

Charles K. Hensinger

Notary Public.

889

COM.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John H. Sayles, et al., for identification as Mississippi Choctaws, consolidating the applications of;

John H. Sayles, et al.,
Palestine Verner
Willie Sayles, et al.,
Anna Sayles, et al.,

M. C. R. 6798
M. C. R. 6797
M. C. R. 6799
M. C. R. 7405

D E C I S I O N .

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by John H. Sayles, for himself and his minor child, Willie Tessie May Sayles; by Palestine Verner for herself; by Willie Sayles, for himself and his minor child, Frederick Douglas Sayles, and by Anna Sayles for herself and her four minor children, Henry, Lula, Otha and Anderson Sayles, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Susan Jane, who is alleged to have been a full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Susan Jane, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H.

Bayles, Willie Tessie May Bayles, Palestine Verner, Willie Sayles, Frederick Douglas Bayles, Anna Bayles, Henry Bayles, Lula Bayles, Otha Bayles and Anderson Bayles as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Dinky

Chairman.

T. B. Needles

Commissioner.

C. D. Dickinson

Commissioner.

W. E. Stanley

Commissioner.

Muskogee, Indian Territory,

AUG 5 1903

COPY.

Washington, D. C., August 5, 1903.

John H. Sayles,

Paducah, Texas.

Dear Sir:

You are hereby advised that on the 5th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John H. Sayles, et al., embracing the following applications for identification as Mississippi Choctaws.

John H. Sayles, et al.,	M C R 6798
Palentine Verner	M C R 6797
Willie Sayles, et al.,	M C R 6799
Anna Sayles, et al.,	M C R 7405

These applications were made under the provision of the act of Congress of June 22, 1902 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article four of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H. Sayles, Willie Tommie May Sayles, Palentine Verner, Willie Sayles, Frederick Douglas Sayles, Anna Sayles, Henry Sayles, Lula Sayles,

J H S 2

Otha Sayles and Anderson Sayles as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. 1000 D)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY

Winkles, Indian Territory, August 3, 1903.

Mansfield, McMurray & Carnish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3th day of August 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John H. Sayles, et al., embracing the following applications for identification as Mississippi Choctaws:

John H. Sayles, et al.,	M C R 5798
Palastine Verner	M C R 6797
Willie Sayles, et al.,	M C R 6799
Anna Sayles, et al.,	M C R 7405

These applications were made under the provision of the act of Congress of June 26, 1906 (34 Stat., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H. Sayles, Willie Tessie May Sayles, Palastine Verner, Willie Sayles, Frederick Douglas Sayles, Anna Sayles, Henry Sayles, Lula Sayles, Otha Sayles and Anderson Sayles as Choctaw Indians entitled to rights in the Choctaw lands under the provision of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

M MoM & C 2

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(D)

T. B. Needles.
Commissioner in Charge.

100-10000
COPY.

Muskogee, Indian Territory, August 6, 1903.

D. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John H. Sayles, et al., embracing the following applications for identification as Mississippi Choctaws.

John H. Sayles, et al.,	M C R 6798
Palentino Verner	M C R 6797
Willie Sayles, et al.,	M C R 6799
Anna Sayles, et al.,	M C R 7405

These applications were made under the provision of the Act of Congress of June 28, 1902 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H. Sayles, Willie Tensie May Sayles, Palentino Verner, Willie Sayles,

S W I 2

Frederick Douglas Sayles, Anna Sayles, Henry Sayles, Lula Sayles, Otha Sayles and Anderson Sayles as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

T. B. Needles.
Commissioner in Charge.

COPY:

Washington, D. C., August 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of John W. Sayles, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 5, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

John W. Sayles, et al.,	M C R 6790
Palestine Verner,	M C R 6797
Willie Sayles, et al.,	M C R 6806
Anna Sayles, et al.,	M C R 7405

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

This case refers to the Mississippi Choctaw case of Mary Sayles et al., M C R 6364 in which decision was rendered by the Commis-

--2--

sion April 27, 1903, and forwarded the Department May 12, 1903.

Respectfully,

(S)

T. B. Needles.
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

2 enclosures M C R 6798

D.C. #28282

C O P Y

W.C.R

DEPARTMENT OF THE INTERIOR,
Washington. YHE.
I.T.D. 7708-1903. June 8, 1905.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

On August 21, 1903, you transmitted the record in the consolidated Mississippi Choctaw case of John H. Sayles, et al (M.C.R. 6798), including your decision of August 5, 1903, rejecting the applicants.

Reporting October 28, 1903, the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The principal applicants state that they desire their case consolidated with the case of Mary Sayles, et al (M.C.R. 6364). It appears that John H. Sayles, the principal applicant in M.C.R. 6798, and Willie Sayles, the principal applicant in M.C.R. 6799, are sons of said Mary Sayles; that Palestine Verner, M.C.R. 6797, is a daughter of said Mary Sayles, and that Anna Sayles, the principal applicant in M.C.R. 7406, is a sister of said Mary Sayles; also that all of said applicants claim through the same ancestor as do the principal applicants in the case of Mary Sayles, et al.

-2-

On August 15, 1904, the Department affirmed your decision rejecting the applicants in the case of Mary Sayles, et al. For the reasons stated in said decision, your decision rejecting the applicants in this case is affirmed.

Respectfully,

E. A. HITCHCOCK.

Secretary.

1 inclosure.

Copy

Land.
54,330-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington,

Oct. 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws, of the following: John H. Sayles, for himself and his minor child Willie Tessie May Sayles; by Palestine Verner for herself; by Willie Sayles for himself and his minor child, Frederick Douglas Sayles, and by Anna Sayles for herself and her four minor children, Henry, Lula, Otha and Anderson Sayles, wherein a decision adverse to the applicants was rendered by the Commission August 5, 1903.

The testimony in this case shows that the applicants base their claims to identification on their descent from Mary Sayles through Jesse Newsom, through Sarah Jane, mother, grandfather and great grandmother of the principal applicant, John H. Sayles.

The applicants in this case state that they wish this application consolidated with the case of Mary Sayles, et al., M.C.R. 4364.

The commission refused to identify the applicants for the reason that they have none of them ever been enrolled as citizens of the Choctaw Nation and for the reason that none of the names of the ancestors through whom they claim appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that none of them presented a claim to rights to either of the commissions authorized to adjudicate claims by the Acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842/ (5 Stats., 513).

An examination of the records of this office has been made with reference to the names of Mary Sayles and her father Jesse Newsom and her grandmother, Sarah Jane, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the commissions appointed to adjudicate the claims of those having rights, if they had any, as Choctaw Indians.

These being the facts it is respectfully recommended that the decision of the commission rejecting the applicants be approved

Very respectfully,

(C.T.C.) P.

W. A. Jones,
Commissioner.

W.C.B.
REFER IN REPLY TO THE FOLLOWING:

M.C.R. 6798

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY CHIEF
COMMISSION TO THE FIVE CIVILIZED TRIBES - Muskogee, Indian Territory, June 15, 1905.

John H. Sayles,
Beckham, Texas,

Dear Sir:

You are hereby notified that on the 8th day of June, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John Sayles et al., of which decision you were advised by registered mail on the 5th day of August 1903.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 15, 1905.

COPY.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 8th day of June, 1905, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Sayles et al., of which decision you were advised by mail on the 5th day of August, 1903.

Respectfully,

SIGNED *Iamc Bixby*

Chairman.

M.C.R. 6798

Muskogee, Indian Territory, June 15, 1905.

COPY.

S. W. Isaac,
Attorney at Law,
Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 8th day of June, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Sayles et al., of which decision you were advised by registered mail on the 5th day of August, 1903.

Respectfully,

SIGNED *Tamc Birby*

Chairman.

Muskogee, Oklahoma, May 6, 1909.

Mr. John H. Sayles,
Hitchita, Oklahoma,

Sir:

Receipt is hereby acknowledged of your letter of March 1, 1909, in which you ask if your claim, which was rejected by the Dawes Commission, can now be taken up for consideration.

In reply you are advised that it appears from the records of this office that you were an applicant for the enrollment of yourself and family as Mississippi Choctaws and that on August 5, 1903 the Commission to the Five Civilized Tribes rendered its decision refusing your application. June 8, 1905, this action was approved by the Secretary of the Interior.

You are further advised that the rolls of citizenship of the Five Civilized Tribes were closed on March 4, 1907, and this office is now without authority to receive or entertain the application for enrollment of any person in any of said tribes.

Since the date last above mentioned this office has not been advised of further legislation relative to enrollment nor have I any information as to the probable reopening of the rolls in the future.

Respectfully,

Acting Commissioner.

REFER TO M. C. R. 6798

John H. Layton, et al

Consolidated Case

Supplemental to
MCR 6364

Susan Jane, f. b.



Jesse Newsom, 1/2 Dead
wife

Sarah Newsom, slave, L

Mary Sayles, 1/4 L slave
husband
Thomas Sayles, L slave

nick
7405
Anna Sayles, 35. 1/4
husband
Neal Sayles, negro.

nick
6798
John H. Sayles, 31. 18
wife
Dolly Sayles, negro. L

nick
6797
Palestine Sayles, 27. 18
married
George Verner, negro. L

nick
6796
Willie Sayles, 21. 18
wife
Lodonia Sayles, negro. L.

nick
6795
Henry Sayles, 18

Lula Sayles, 16

Otha Sayles, 13

Anderson Sayles, 12

nick
6748

Willie Pessie May Sayles, 1 1/2

nick
6799

Frederick Douglas Sayles, 15 mo.

6797

No. 6798

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

ED. 1897

Name John H. Sayles

Age 31 — Blood $\frac{1}{8}$

Post Office, Pacono, Texas.

Father: Thomas Sayles l

Mother: Mary " l

Claims through mother $\frac{1}{4}$ Wife ~~Wm~~Dolly Sayles. l. neg.
No claim for wife —

Children:

Willie T. M. " F. $1\frac{1}{2}$ mClaims for self
and child

Stenographer

H. H. Harris

FOR IDENTIFICATION AS
A MISSISSIPPI CHOOTAW

John H. Sayles et al

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN - 1905

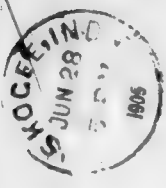
NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOOTAW
AND CHICKSAW NATIONS.

JUN 1 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

2

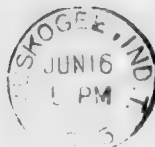


FILED
JUN 30 1905
COMMISSION TO THE TRIBES.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



John H. Sayles,

~~Nacoga~~, Texas.

Not known here

1798

Choctaw MCR 6799

Willie Sayles

MCR 6799

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. ~~Mar~~ Feb. 28, 1903.

6799

In the matter of the application of Willie Sayles for the identification of himself and his minor child, Frederick Douglas Sayles, as Mississippi Choctaws.

S.W. Isaac, attorney for applicant:

Willie Sayles being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Willie Sayles.
Q What is your age? A Twenty one.
Q What is your post office address? A Pacono, Texas.
Q Have you lived there all your life? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Thomas Sayles.
Q What is your mother's name? A Mary Sayles.
Q Is she the one who has been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you want to have her case referred to? A Yes sir.

Mary Sayles et al., W.C.R. 6364, the mother of this applicant is here referred to for the purpose of consolidation.

- Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One eighth.
Q How much is your mother? A One fourth.
Q Was your father a slave at any time? A I think so.
Q And your mother also? A She was born before slavery; I don't know whether she worked any or not, but I think she was a slave.
Q In her application she says she was a slave; do you know anything about that? A I don't know sir.
Q You wouldn't undertake to deny it would you? A No sir.
Q You think she would be apt to know about that? A Yes sir.

Q But you never heard her say that she was one? A I don't remember.

Q Did you ever hear her say that her mother was? A Yes sir.

Q If her mother was wouldn't it be very apt to be the case that she also would be a slave? A Yes, I guess so.

Q What is your wife's name? A Lodonia Sayles.

Q Is she living? A Yes sir.

Q Colored woman? A Yes sir.

Q Do you make any claim for her? A No sir.

Q Give me the name of your child-- A Frederick Douglas Sayles.

Q How old is Frederick? A Fifteen months old.

Q Is Lodonia the mother of Frederick? A Yes sir.

Q You claim for yourself and these children of yours? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A Not that I know of.

Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.

Q Do you want to identify yourself and this child as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes I don't really understand that article.

Q Do you know what a treaty is? A I believe I do.

Q It is an agreement or compact in writing between two or more Nations and an article in a treaty is one of its paragraphs or subdivisions; now you understand that, don't you? A Yes sir.

Such a treaty was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. The object of that treaty was to remove the Choctaw Indians from the old Choctaw nation East of the Mississippi River to the Choctaw nation, Indian Territory; before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw nation Indian Territory and in order to protect the interests of those Choctaw Indians who preferred to stay article fourteen was put into the treaty; it was then signed and afterwards ratified: This article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you claim through Jesse Newsom your grandfather? A I claim through my mother and she claimed through him.

Q Then you claim through your mother's father, don't you? A Yes sir.

W. Saylos----3

- Q Jesse Newsom? A Yes sir.
- Q How much Choctaw blood did he have? A Said to be one eighth.
- Q What was his wife's name? A Sarah Newsom.
- Q Was she a slave? A Yes sir.
- Q Was Jesse Newsom? A I don't know sir.
- Q Did he within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward and register or attempt to register under article fourteen of the treaty of 1830? A Not as I know of.
- Q Did he or any of your Choctaw ancestors live in Mississippi or Alabama in the old Choctaw Nation for five years and then get a patent to land upon which they lived for that period? A I don't know sir.
- Q Did Jesse Newsom or his wife or any Choctaw ancestor of yours live in Mississippi or Alabama at any time? A I don't know sir.
- Q Didn't you ever hear that any of your Choctaw ancestors lived in Mississippi or Alabama in 1830 and had a family there then? A No sir, I don't.
- Q Did any of your Choctaw ancestors go from that old Choctaw East of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application? A I don't know sir.
- Q Did you ever hear that any of them went from that old Choctaw Nation to the Choctaw Nation Indian Territory between 1833 to 1838 with the other Indians? A No sir, I never heard.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know sir.
- Q Did any Choctaw ancestors of yours go before a Commission appointed by act of Congress approved March 3, 1837 or before a Commission appointed August 23, 1842, and claim any benefits under article fourteen of that treaty? A I don't know sir.

These Commissions were appointed one in 1837 and the other in 1842 because of the complaints made by Choctaw Indians who claimed that they had tried to register under article fourteen of the treaty of 1830 within six months after the treaty was ratified but because Col. Ward had refused to register them those Choctaw Indians had lost their lands there in the old Choctaw nation; the Government took it from them and sold it at Public Land Sale.

- Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know sir.
- Q This scrip was issued under an act approved August 23, 1842, and was issued to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw nation had been taken from them by the Government and sold at Public Land Sale. Do you speak or understand the Choctaw language? A No sir.

Examination by Mr. Isaac:

- Through whom did you say you claimed through? A My mother.
- Q I mean going back to your original ancestor? A From grandfather her father.
- Q Jesse Newsom? A Yes sir.
- Q Can you go back any farther than that? A I think he claimed through his mother.

W. Sayles-----4

- Q Who was that? A Sarah Jane.
Q Didn't she testify here that her grandmother Susan Jane was the one she claimed through? A It might have been Susan Jane.
Q Who was Sarah? A That was my grandfather's wife.

By the Commission:

- Q Do you know anything about the father or mother of Jesse Newsom?
A No sir.
Q Do you know whether either of them had Choctaw blood? A I heard that his mother had.
Q Did you ever hear the Jesse Newsom's father had Choctaw blood?
A No sir.
Q Did you ever hear that Jesse Newsom's mother had Choctaw blood?
A Yes sir.
Q Do you know what her name was? A Susan Jane I think.
Q Susan Jane Newsom? A I don't know sir.
Q That is all the name you know-- Susan Jane? A Yes sir.
Q How much Choctaw blood did you ever hear that she had? A No sir.
Q Was she a slave at any time? A I don't know sir.
Q Did she live on land five years and then get a patent to it from the Government for that land? A Not that I know of.
Q Did she go to Col. Ward within six months after the treaty was ratified and register or attempt to register under article fourteen of the treaty of 1830? A I don't know sir.
Q Did she claim any rights under article fourteen of the treaty of 1830 in the old Choctaw Nation? A I don't know sir.
Q Did she go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1840 or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know sir.
Q Did she go before any Commission appointed by an act of Congress approved March 3, 1837 or one appointed August 25, 1842 and claim any rights under article fourteen of the treaty of 1830? A I don't know.
Q Did she get any scrip from the Government issued under the act of Congress approved August 25, 1842? A I don't know sir.
Q Could she speak the Choctaw language? A I don't know sir.

This applicant has the appearance of being descended from negro parentage; he does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Haine being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on February 28, 1903, and

W. Sayles-----5

that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry S. Hains

Subscribed and sworn to before me this 21 day of March, 1903.

Charles McHenry

Notary Public.

COPY.

Muskogee, Indian Territory, August 5, 1903.

Willie Sayles,
Pacano, Texas.

Dear Sir:

You are hereby advised that on the 5th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John H. Sayles, et al., embracing the following applications for identification as Mississippi Choctaws:

John H. Sayles, et al.,	M C R 6798
Palestine Verner	M C R 6797
Willie Sayles, et al.,	M C R 6799
Anna Sayles, et al.,	M C R 7405

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John H. Sayles, Willie Teacie May Sayles, Palestine Verner, Willie Sayles, Frederick Douglas Sayles, Anna Sayles, Henry Sayles, Lula Sayles, Otha Sayles and Anderson Sayles as Choctaw Indians entitled to rights

W S 2

in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

W.C.R.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 6799

ADDRESS ONLY T. H.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 15, 1905.

Willie Sayles,

Hoscom, Texas,

Dear Sir:

You are hereby notified that on the 8th day of June, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Sayles et al., of which decision you were advised by registered mail on the 5th day of August, 1903.

Respectfully,

Chairman

6798

No.

6799

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Place

Name Willie Sayles

Age 21

Blood 1/8

Post Office. Pacono, Tex.

Father: ^{Thomas} ~~John~~ Sayles. S

Mother: Mary - - - S

Claims through mother. 1/4

wife:

Lodonia Sayles. (neg.)

No claim for wife.

Children:

Frederick H. Sayles 15m

Claims for pref
ered 1 minor.

Monographer

H. L. Hains.



FILED
JUN 30 1905
POST OFFICE NEW YORK

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



UNPAID

Willie Sayles,

Nocona, Texas.

Not known here

6799

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Willie Sayles et al

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN - 8 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TOMBIGBE CHOCTAW
AND CHICKASAW NATIONS.

1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT TOMBIGBE CHOCTAW

JUN 15

REFER TO M. C. R.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 15 1905

Choctaw MCR 6800

Bertha Griffin

MCR 6800

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Bertha Griffin, et al.,
for identification as Mississippi Choctaws, M.C.R. 6800.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Bertha Griffin, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the applica- tion of Bertha Griffin, et al., for identification as Mississippi Choctaws-----	5

-oOo-

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. Feb. 28, 1903.

6800

In the matter of the application of Bertha Griffin for the identification of herself and her minor child, Zula Griffin, as Mississippi Choctaws.

S.W. Isaac, attorney for applicants.

Bertha Griffin being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Bertha Griffin.
Q What is your age? A Seventeen.
Q What is your post office address? A Pacono, Texas.
Q Have you lived there all your life? A Yes sir.
Q Are your parents living? A Yes sir.
Q What is your father's name? A Thomas Sayles.
Q What is your mother's name? A Mary Sayles.
Q Do you claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One eighth.
Q Was your mother one quarter? A Yes sir.
Q Has she ever been recognized as a Choctaw Indian by any authority whatever in the Choctaw Nation Indian Territory or enrolled as one? A No sir.
Q Is your husband living? A Yes sir.
Q Is he a negro man? A Yes sir.
Q What is his name? A Ware Griffin.
Q You don't make any claim for him then do you? A No sir.
Q What is the name of your child? A Zula Griffin. (Girl.)
Q How old? A A year and two months.
Q You claim for yourself and child, do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Is your husband Ware Griffin the father of this child? A Yes sir.
Q Are you all living together at his home? A Yes sir.
Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities in the Indian Territory or the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q What relation are you to Willie Sayles? A Sister.
Q And are you a sister of John H. Sayles and Palestine Verner? A Yes sir.
Q They all have testified today and claimed through Jesse Bowen; do you claim through him also? A Yes sir.

Bertha Griffin---2

Q Was he your grandfather? A Yes sir.

Q Do you come before the Commission now to identify yourself and your child as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.

That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article?

A No sir.

Q Do you know whether Jesse Newsom your grandfather claimed through his father or mother? A Through his mother.

Q Not through his father? A No sir.

Q What was his mother's name? A Susie Jane.

Q Susie or Susan? A Susan.

Q Was it Newsom or don't you know the last name? A I don't know the last name.

Q Was she a slave at any time? A I don't know sir.

Q Was Jesse Newsom? A I don't know sir.

Q Was his wife a slave? A Yes sir.

Q What was her name? A Sarah Newsom.

Q That was your grandmother? A Yes sir.

Q Were your father and mother slaves at any time? A Not as I knows of; my father wasn't.

Q Was your mother? A I couldn't swear whether she was or not.

Q She said she was in her testimony; don't you know anything about it? A She was born before the slaves; I don't know.

Q Never heard her say she was? A No sir.

Q Did any of your Choctaw ancestors, your great grandmother, Susan Jane or her son, Jesse Newsom, or any other Choctaw ancestor of yours go to the United States Indian agent Col. Ward within six months after the treaty of 1830 was ratified and tell him that he wanted to register under article fourteen of the treaty of 1830?

A I don't know sir.

Q Did any of your Choctaw ancestors live on land in the old Choctaw nation in Mississippi or Alabama for five years and then get a patent or deed from the Government for that land? A I don't know sir.

B.Griffin---3

Q Did any of them Sarah Jane or Jesse Newsom her son or any other live in the old Choctaw nation therein Mississippi or Alabama in 1830 and have a family there then? A I don't know sir.

Q Did any of them own any improvements on land in that old Choctaw Nation in 1830 or 1831? A No sir, not as I know of.

Q Did any of them go from that old Choctaw Nation East of the Mississippi River to the Choctaw nation Indian Territory with the other Indians between 1833 to 1836 or 1840? A I don't know sir.

Q Or at any other time between the date of the ratification of the treaty of 1830 and the date of this application made by you today?

A I don't know sir.

Q Did any of your Choctaw ancestors go before a Commission appointed by an act of Congress approved March 3, 1847 or one approved August 23, 1842, and claim any rights under Article fourteen of the treaty of 1830? A No sir, not as I know of.

These Commissions were appointed to hear the complaints of Choctaw Indians who claimed that they had tried to register under Article fourteen of the treaty of 1830 within six months from the ratification of the treaty and were prevented from so doing by Col. Ward and as a result of this action the land which they had occupied in the old Choctaw nation was taken from them and sold by the Government at its Public Land Sale.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

Q This scrip was issued under the act of Congress approved August 23, 1842. Is Mary Sayles your mother the same one who on November 1, 1902, made application to be identified as a Mississippi Choctaw before the Commission? A Yes sir.

Q You want to have your case consolidated with hers? A Yes sir.

Mary Sayles, et al., M.C.R. 3364 is here referred to for the purpose of consolidation.

To Attorney:

Q Any questions? A No sir.

To applicant:

Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance of being descended from negro parentage; she does not speak or understand the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the pro-

B. Griffin-----4

ceedings had in the above entitled cause on February 28, 1903,
and that the above and foregoing is a full, true and correct trans-
cript of his stenographic notes in same.

Henry S. Laine.

Subscribed and sworn to before me this 21 day of March, 1903.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Bertha Griffin, et al.,
for identification as Mississippi Choctaws, M.O.R. 6800.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Bertha Griffin for herself and her minor child, Zula Griffin, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that both of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Jesse Newson, who is alleged to have been a Choctaw Indian, degree of blood not stated.

It appears from the evidence submitted by the applicants

herein that they claim from a more remote Choctaw ancestor than the one above given, who, they allege, was the maternal great-grandmother of the principal applicant, but as they are only able to give the given name of this ancestor, it is therefore impossible for the Commission to determine whether or not that ancestor was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that neither of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jesse Newson, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the

-3-

evidence herein is insufficient to determine the identity of Bertha Griffin and Zula Griffin, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Samuel D. Smith

Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Brockiebridge

Commissioner.

(SIGNED)

W. E. Stanley

Commissioner.

Yuskogee, Indian Territory,

MAR 15 1904

M C R 6800

COPY.

Muskogee, Indian Territory, April 8, 1904.

Bertina Griffin,
Beacon, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Bertha Griffin, et al., including you and your child Zula Griffin.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. D. Needles.

Commissioner in Charge.

Registered.

M C R 10000

Copy.

Muskogee, Indian Territory, April 9, 1904.

C. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Bertha Griffin, et al.,

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

T. D. Woodies.

Commissioner in Charge.

Registered.

M.C.R. 6800

Muskogee, Indian Territory, April 5, 1904.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Bertha Griffin et al.

You are hereby advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. D. Morris.

Commissioner in Charge.

Incl. MCR 6800.

(COPY).

Muskogee, Indian Territory, April 21, 1904.

The Honorable,

The Secretary of the Interior,

sir:

There is transmitted herewith the record in the case of Bertha Griffin et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of John W. Sayles et al, decision in which was rendered by the Commission on August 5, 1903, and forwarded to the Department on August 21, 1903.

Respectfully,

(Signed) TANS BIXBY,

Through the
Commissioner of Indian Affairs.

Chairman.

2 Enc. MCR 4800.

DC-21486-1904.

(COPY). J.W.H. LLB

(COPY)

ITD.4622-1904.
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, June 21, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

April 21, 1904, you transmitted the record in the case involving the application of Bertha Griffen et al (M.C.R.6800), for identification as Mississippi Choctaws, including your decision of March 15, 1904, refusing to identify them as such.

Reporting in the matter June 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

Land.
28292-1904.

DEPARTMENT OF THE INTERIOR, (COPY).
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 6, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to invite your attention to record of the Commission to the Five Civilized Tribes, in the matter of the application of Bertha Griffen for the identification of herself and her minor child, Zula Griffen, as Mississippi Choctaws, wherein a decision adverse to their claims was rendered by the Commission on March 15, 1904.

The record in this case shows that the applicants base their claims to a right to identification as Mississippi Choctaws on their descent from Susie Jane Newson through her son Jesse Newson, but as to whether any of their Choctaw ancestors ever complied or attempted to comply with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830 they are unable to state, claiming that these ancestors were residents of the Choctaw country in Mississippi in 1830.

The Commission rejected the applicants for the reason that its records failed to show that Jesse Newson was a beneficiary under the Fourteenth Article of the Choctaw Treaty of 1830, or the subsequent legislation relative thereto.

An investigation of the records of this office has been made with reference to the names of Susie Jane Newson and Jesse Newson, and it is evident that they do not appear among the names of these Choctaw in-

dians who were beneficiaries under the Fourteenth Article of the Choctaw Treaty of 1830, or the subsequent legislation relative thereto, and I therefore recommend that the decision of the Commission rejecting them be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H.-L.C.

COPY. M.C.R. 6800

Muskogee, Indian Territory, June 30, 1904.

Bertha Griffin,

Pacona, Texas,

Dear Madam:

You are hereby notified that on the 21st day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Bertha Griffin et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

M.C.R. 6800

COPY:

Muskogee, Indian Territory, June 30, 1904.

S. W. Isaac,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 21st day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaw of the several persons included in the case of Bertha Griffin et al., of which decision you were advised by registered mail on the 5th day of April, 1904.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, June 30, 1904.

Manefield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 21st day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Bertha Griffin et al., of which decision you were advised by mail on the 5th day of April, 1904.

Respectfully,

SIGNED

T. B. Needles.

Commissioner in Charge.

6799

No.

6800

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name

Bertha Griffin

Age

17 3/4

Blood

1/8

Post Office,

Pocomo, Tex.

Father:

Thomas Dwyer

Mother:

Mary "

Claims through

mother 1/4

Husband -

Ware Griffin

I. neg.

No claim for husband

Children:

Zila Griffin F. 1.

Claims for neg &
child

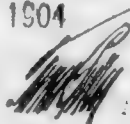
Monographer

H. H. Dwyer

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

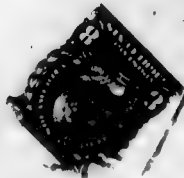
MAY 14 1904



CHAIRMAN.



10900



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Bertha Griffin,

Pacono, Texas.

REGISTERED
APR 6 1904

MAY 10 1904

Bertha Grimm et al.
REFUSED.

DECISION RENDERED. MAY 11 1904

NOTICE OF DEPARTMENTAL ACTION
JUN 1 1904

FORWARDING
FOOTAWAND
4

APR 1 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

NOTICE OF DEPARTMENTAL
ACTION MAY 11 1904

JUN 30 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDING
AND CHICKASAW NATIONS.

NOTICE
FORWARDING

REFUSED.

Choctaw MCR 6801

Julia Clinton

MCR 6801

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T. March 2, 1903.

6801

In the matter of the application of Julita Clinton for the identification of herself and her four minor children, Eli, Rachel, Wesley and George Clinton, as Mississippi Choctaws.

Applicant represented by the firm of Harrison & Thomas; J.A. Veasy appearing.

Julita Clinton being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Julita Clinton.
Q How old are you? A Fifty three.
Q What is your post office address? A Mayberry, Arkansas.
Q How long have you lived in Mayberry, Arkansas? A Two years.
Q Where did you live before that? A In Arkansas.
Q Have you always lived in Arkansas? A No sir.
Q How long have you lived in Arkansas? A About ten years.
Q Where did you live before you went to Arkansas? A In Missouri.
Q Where in Missouri did you live? A In Douglas County.
Q Where were you born? A Douglas County, Missouri.
Q Born in Missouri and went from there to Arkansas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Nicholas Turnbull.
Q What was your mother's name? A Rachel Turnbull. Freeman before she married.
Q Through which parent do you claim your Choctaw blood? A My grandmother Freeman.
Q Through your father or mother? A Mother.
Q How much Choctaw blood do you claim? A One eighth I reckon.
Q Was your mother one fourth Choctaw Indian? A Yes sir.
Q Was she ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A Not that I know of.
Q Is your husband living? A Yes sir.
Q What is his race-- I mean is he a white man or Indian? A White man.
Q What is his name? A Jink Clinton.
Q Do you make any claim for your husband? A No sir.
Q How many children have you under age and unmarried? A Four.
Q What is the name of the oldest child? A Eli Clinton.
Q How old is Eli? A Nineteen.
Q The next? A Rachel.
Q How old is she? A Seventeen.

Julita Clinton---2

- Q Next? A Wesley.
- Q How old? A Sixteen.
- Q The next? A George.
- Q How old? A Fourteen.
- Q Is that all the children you have? A Yes sir. That's all I have got here.
- Q That is all under age and unmarried? A Yes sir.
- Q Have you any older children than these? A Yes sir, those two there.
- Q They are now before the Commission to be identified? A Yes sir they are old enough to identify themselves.
- Q What is the name of the oldest of these two? A Alexander Clinton
- Q What is the name of the other? A Eldridge.
- Q Is Jink Clinton the father of these children? A Yes sir.
- Q Are you and your husband and these minor children all living together at your home? A Yes sir.
- Q Is your name together with the names of your minor children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
- A I don't know.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and minor children to either the Dawes Commission under the act of June 10, 1896, or to the Choctaw tribal authorities in the Indian Territory? A No sir, never made none before this.
- Q You never have been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you come before the Commission at this time for the purpose of identifying yourself and your minor children as Mississippi Choctaws? A Yes sir.
- Q Do you make this claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article or would you like to have it explained to you? A Well, I don't understand it.
- Q Do you know what a treaty is? A No sir, I don't hardly know.

A treaty is a contract or more properly speaking a compact made in writing between two or more Nations and an article in a treaty is one of its paragraphs or subdivisions dealing with some special topic of the joint subjects treated of in the treaty. Now a treaty like that was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year 1830-

A Yes sir.

-The object of that treaty on the part of the Government was to get the consent of the Choctaw Indians to remove from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Indians would refuse to go to the Choctaw Nation Indian Territory under the treaty and in order to protect the Indians who preferred to stay back in the old Choctaw Nation which was partly in Mississippi and partly in Alabama this paragraph called article fourteen was put into the treaty; then the treaty was signed, and afterwards, on the 24th day of February, 1831, was ratified; Article fourteen under which you are making your claim today is as

follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A No sir, I don't know.

Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Alabeath Bell.

Q Was she married? A Yes sir.

Q What was her husband's name? A Aaron Freeman.

Q Was he a white man? A Yes sir.

Q How much Choctaw blood did she have? A She was a half breed.

Q What relation was she to you, Alabeath Bell or Freeman?

A She was my grandmother.

Q Was she your mother's mother? A Yes sir.

Q You claim through your mother and her claim is through her grandmother Alabeath Freeman nee Bell, is that right? A Yes sir.

Q Did she live in Mississippi in 1830 and was she the head of a family there at that time? A Well, I can't tell you that.

Q Did she ever live in the State of Mississippi or Alabama? A She lived in the State of Mississippi.

Q Did you ever hear that she lived there in 1830? A Yes, I have heard it.

Q As a matter of family history and tradition? A Yes, I have heard it but I wasn't there.

Q You weren't there in 1830 but it was handed down to you from members of the family, wasn't it? A Yes sir.

Q Do you know whether Alabeath Freeman whose maiden name was Alabeath Bell went to the United States Indian Col. Ward within six months after the ratification of the treaty of 1830 and registered or attempted to register under article fourteen of that treaty?

A Yes, she went.

Q Did you ever hear of Col. Wm. Ward, the United States Indian agent? A Not that I recollect.

Q Do you mean that she went to register as a Choctaw Indian?

A Yes sir.

Q Do you know the name of the man before whom she went to register?

A No sir.

Q What have you heard about her going before any authority to register as a Choctaw Indian within six months after the treaty?

A I never heard much about it; I can't tell you.

Q Did she register or not? A I reckon so; she did.

Q Well, if she did, her name appears upon Col. Ward's registry list; Col. Ward was the United States Indian agent at that time. Do you know whether your ancestor's name appears upon that registry list or not? A No sir.

Q Did she or any Choctaw ancestor of yours live on land in that old Choctaw Nation in Mississippi or Alabama for five years after the treaty of 1830 was ratified and at the end of that time re-

ceive a patent from the Government for that land under article fourteen of the treaty of 1830? A Well, I can't tell you.

Q You never heard that they lived on any land in Mississippi which they claimed under article fourteen of the treaty of 1830? A No sir, I never heard anything about it.

Q Did any Choctaw ancestors of yours go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838 or 1840?

A I don't know.

Q Did you ever hear that they went from that old Nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir, I never heard nothing about it.

Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830? A I don't know whether they did or not.

In 1837 a Commission was appointed by an act of Congress approved March 3, 1837, and also in 1842 another Commission was appointed by an act approved August 23, 1842; these Commissions were appointed because of the complaints of Choctaw Indians who averred that they had tried to register under article fourteen of the treaty of 1830 but had been prevented from doing so by Col. Ward also that that attempt had been made within six months after the ratification of the treaty of 1830, and because they had been refused registration by Col. Ward the Government took the land from these Choctaws and sold it at Public Land Sale. This caused so many complaints and so much distress that these Indians obtained the appointment of these two Commissions.

Q Did any of your Choctaw ancestors go before any of these two Commissions and obtain any benefits under article fourteen of the treaty of 1830? A I can't tell you.

Q Did any of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under the act of Congress approved August 23, 1842. Do you understand the Choctaw language or speak it?

A No sir.

(To Mr. Veasy) Q Do you want any time in this case for the introduction of other proof? A No sir.

Q Are there any questions you would like to ask her?

Examination by Mr. Veasy:

Q About 1830, was it that she lived in Mississippi? A Yes sir.

Q Do you know that she was the head of a family at that time in 1830, 1831 or 1832? A Yes sir.

Q She attempted to register before Col. Ward at that time? A Yes sir.

Q You said you didn't know whether she registered or not? A I don't know which she done; ~~she tried to~~.

Q She tried to? A That's what I heard; I don't know which she done.

Q You have seen Alabeath Freeman, haven't you? A Yes, many times.

Q Did she look like Indian? A Yes, she was a small woman, black hair, black eyes.

Q Did you ever hear her sing any songs? A No sir; she was too old to sing and I was little.

By the Commission:

Q What relation is John H. Bennight to you? A A cousin; he is a grandchild just as I am.

Q Do you want to have your case consolidated under his case? A Yes, sir.

The case of John H. Bennight et al., M.C.R. 6255, is referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; hair black sprinkled with gray; her eyes are black, complexion medium dark; she has no knowledge of the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause March 2, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 21 day of March, 1903.

Charles H. Sawyer

Notary Public.

M. C. P. 6801.

Muskogee, Indian Territory, June 15, 1904.

Julita Clinton,

Maberry, Arkansas,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bernight et al., including you and your minor children, Eli Clinton, Rachel Clinton, Wesley Clinton, and George Clinton.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Dixey.

Chairman.

Registered.

M.C.R. 6801.

Muskogee, Indian Territory, May 8, 1905.

Julita Clinton,

Maherry, Arkansas.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Rennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6001

No. 6801

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 2 1903

Date

Name *Julita Clinton.*Age *53.* Blood *1/8*Post Office, *Maberry, Ark.*Father: *Nicholas Turnbull, d.*Mother: *Rachel " d.*Claims through *mother - 1/4 -**Husband**Jink Clinton, l. w*
No claim for husband

Children:

<i>Eli Clinton.</i>	<i>19</i>
<i>Rachel "</i>	<i>17</i>
<i>Wesley "</i>	<i>16</i>
<i>George "</i>	<i>14</i>

Claims for self &
*4 minors -*Stenographer *H. G. Hains*

FOR IDENTIFICATION 42 2.6

Julita Clinton et
REFUSED
DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED APPLICANT

JUN 23 1905

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR CHOCTAW AND CHICKASAW NATIONS

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS
JUN 15 1904

RECORD FORWARDED DEPARTMENT.
AUG 16 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**
APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
MAY 25 1905

~~NOTICE~~ OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

U.S. M. C. R.

6255

Choctaw MCR 6802

Alexander Clinton

MCR 6802

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 2, 1903.

6802

In the matter of the application of Alexander Clinton for the identification of himself and his minor child, Edgar Clinton, as Mississippi Choctaws.

Applicant represented by Thomas & Harrison; J.A. Veasy appearing.

Alexander Clinton being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Alexander Clinton.
- Q What is your age? A Thirty three.
- Q What is your post office address? A Mayberry, Arkansas.
- Q How long have you lived in Mayberry, Arkansas. A About two years; I have lived in Arkansas about ten or twelve years.
- Q Where did you live most of the time in Arkansas? A In Jackson County.
- Q Where did you live before you lived in Arkansas? A In Missouri Douglas County.
- Q Did you live there all your life until you went to Arkansas? A Yes sir.
- Q Were you born there? A Yes sir.
- Q Is your father living? A Yes sir.
- Q Is your mother? A Yes sir.
- Q What is your father's name? A Jink Clinton.
- Q What is your mother's name? A Julita Clinton.
- Q Through which parent do you claim Choctaw blood? A My mother.
- Q How much do you claim? A One sixteenth.
- Q Do you claim your mother has one eighth Choctaw blood? A Yes sir.
- Q Has your mother been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
- Q She has made application to be identified as a Mississippi Choctaw today, hasn't she, and that is the first appearance she made before any authority for citizenship rights, isn't it? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your wife's race--white or Indian? A White.
- Q What is her name? A Leona.
- Q Do you make any application for her? A No sir.

Alexander Clinton---2

- Q Have you any children you want to make application for? A Edgar.
- Q How old is Edgar? A Born last May 14.
- Q About ten months old is he? A Yes, I reckon.
- Q You claim for yourself and one child, do you? A Yes sir.
- Q Is your wife Leona Clinton the mother of this child, Edgar?
- A Yes sir.
- Q When were you married to her? A One year ago last May 30.
- Q 1901, wasn't it? A Yes sir.
- Q Where were you married? A In Monroe County, Arkansas.
- Q By a minister under a license? A Yes sir.
- Q Have you the marriage license with you or other proof of that marriage? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir I reckon not.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
- A No sir.
- Q Have you ever made any such application to the Commission to the Five Civilized Tribes under the act of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?
- A No sir.
- Q Is it your purpose in coming before the Commission at this time to identify yourself and this child as Mississippi Choctaws?
- A Yes sir.
- Q Do you make this claim for identification under article fourteen of the treaty of 1830 or the treaty of Dancing Rabbit Creek as it is sometimes called? A Yes sir.
- Q Do you understand what a treaty is? A No sir, I guess not.

A treaty is a compact in writing between two or more nations; you know what an agreement or contract in writing made between persons-- A yes sir.

Well a treaty is the same sort of an instrument; it is a compact or agreement in writing but the parties to it are Nations instead of individuals; nations may make agreements just as individuals; and an article in a treaty is one of its parts, subdivisions or paragraphs. A treaty called Dancing Rabbit Creek or the treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September that year; the purpose of the Government in making that treaty with those Choctaw Indians was to get their consent to move from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory; while the greater portion of the members of the tribe went to the Choctaw Nation, Indian Territory, some refused to go; no provisions had been made in the treaty at that time for those Indians who desired to stay in the old Choctaw Nation and therefore article fourteen was drafted and put into the treaty of 1830 for the special protection and benefit of those Choctaw Indians who desired to stay back in the old Choctaw nation; then the treaty with that article was signed and afterwards on the 24th day of February, 1831, was ratified. This article fourteen under which you make your claim today is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months

from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age and also adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q no you know whether any of your Choctaw ancestors complied or attempted to comply with that article fourteen? A No sir, I don't.

Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Alabeath Bell. My great grandmother.

Q What was her husband's name? A Aaron Freeman.

Q Was he a white man? A Yes sir.

Q How much Choctaw blood did she have? A Half.

Q Did she live in Mississippi in 1830 and have a family there then? A I can't tell you whether she did or not.

Q Did she live in Mississippi? A Yes sir.

Q Can you tell what years she lived there? A No sir.

Q Do you know whether she within six months after the treaty of 1830 was ratified went to United States Indian agent Col. Ward at his agency in Mississippi and registered or attempted to register under article fourteen of the treaty of 1830? A No sir, I don't know.

Q Do you know whether she or any Choctaw ancestor of yours lived on land in that old Choctaw nation in Mississippi or Alabama for five years after the treaty of 1830 was ratified and at the end of five years residence whether any of them received patents from the Government under article fourteen of that treaty or not? A No sir, I don't know.

Q Did any of your Choctaw ancestors claim any land in the old Choctaw Nation under article fourteen of that treaty? A No sir, I don't know.

Q Did any of them go from that old Choctaw nation East of the Mississippi River to the Choctaw nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A I don't know.

Q Did any of them go from that old Choctaw nation East of the Mississippi River to the Choctaw nation Indian Territory with the other Indians at the expense of the Government between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw nation in 1830? A I don't know.

Q Did any of them go before a Commission in 1837 or 1842 and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.

A. Clinton----4

These Commissions were appointed one by act of Congress approved March 3, 1837, and the other by an act of Congress approved August 23, 1842, for the purpose of hearing those Choctaw Indians who claimed that they had attempted to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty and because they had been prevented from registering by Col. Ward the agent their land had been taken from them by the Government and sold at Public Land Sale.

Q You never heard that any of your Choctaw ancestors went before either of these two Commissions? A No sir.

Q Did any of them receive any scrip or certificates from the Government issued under an act of Congress approved August 23, 1842?

A I don't know.

Q These certificates or as they were then called scrip was issued to Choctaw Indians who proved their rights under article fourteen of that treaty and also proved that their land in the old Choctaw Nation had been taken from them by the Government and sold at Public Land Sale. Do you understand or speak the Choctaw language?

A No sir.

Q What relation is J.H. Bennight to you? A Second cousin.

Q He has been before the Commission to be identified as a Mississippi Choctaw? Do you want to have your case consolidated under his? A Yes sir.

Case of J.H. Bennight et al., 6255 is referred to for the purpose of consolidation.

Q You claim through your mother? A Yes sir.

Q And your mother claimed through? A Her mother, Rachel Freeman, or Rachel Turnbull.

Q And Rachel Turnbull nee Freeman obtained her Choctaw blood through Aaron Freeman and Alabeath Freeman? A Yes sir.

Examination by Mr. Veasy:

Q She obtained her blood through Alabeath and not through Aaron?
A Yes sir.

By the Commission:

Time will be allowed this applicant to and including the 24th day of March, 1903, for the introduction of other evidence in this case if applicant desires to produce any.

This applicant has the appearance and physical characteristics of being descended from white parentage; his hair is very nearly black, mustache is dark brown, eyes are blue, complexion medium dark. He does not understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with

A. Clinton----5

any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath state that as stenographer to the Commission to the five Civilized Tribes he reported the proceedings had in the above entitled cause March 2, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 21 day of March, 1903.

Charles H. Sawyer
Notary Public.

M.C.R. 6802
" 6824
" 7319
" 6823

Muskogee, Indian Territory, April 2, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th ultimo, enclosing original marriage license and certificate between Alexander Clinton and Lonie Hill, offered in support of the application of Alexander Clinton for the identification of himself and minor child as Mississippi Choctaws; original marriage license and certificate between John Carr and Parthena Brown, original marriage license and certificate between William H. Head and Parthena Carr, offered in support of the application made by Parthena J. Head for the identification of herself and minor children as Mississippi Choctaws; certificate of marriage between Ruben P. Harper and Sarah Rouse, offered in support of the application made by James B. Harper for the identification of himself and minor children as Mississippi Choctaws and certified copy of the marriage certificate between J.H. Brown and Annie Howard, also certified copy of marriage certificate between Joseph Fisher and A.L. Brown, offered in support of the application made by Annie L. Fisher for

T & H 2

the identification of herself and minor children as Mississippi Choctaws.

The same have been filed with the records in these respective cases.

Respectfully,

Commissioner in Charge.

COPY.

M. C. R. 6802.

Muskogee, Indian Territory, June 15, 1904.

Alexander Clinton,
Maberry, Arkansas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John E. Bennight et al., including you and your minor child Edgar Clinton.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

~~SIGNED~~

Tamr Bixby.

Chairman.

Registered.

M.C.R. 6802.

Muskogee, Indian Territory, May 8, 1905.

Alexander Clinton,
Maherry, Arkansas.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6802

No. 6802

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 2 1903

Name Alexander Clinton

Age 33 — Blood 1/16

Post Office, Maberry, Ark.

Father: Jinx Clinton, l.

Mother: Julita .. l.

Claims through mother 1/8

wife.

Leona Clinton, l. w.

No claim for wife -

Children:

Edgar Clinton, 10 m.

Claims for self
and one minor

Monographs H. M. Harrison

FOR IDENTIFICATION AS R. C.
A MISSISSIPPI CHOCTAW

Alexander C. Linton

REFUSED

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 1

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANT.

JUN 15 1904

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT,
AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFUSED

6255

Choctaw MCR 6803

Eldrige Clinton

MCR 6803

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 2, 1903.

6803

In the matter of the application of Eldrige Clinton for identification as a Mississippi Choctaw.

Thomas & Harrison (J.A. Veasy appearing) for applicant:

Eldrige Clinton being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Eldrige Clinton.
- Q What is your age? A Thirty three.
- Q What is your post office address? A Mayberry, Arkansas.
- Q How long have you lived in Mayberry? A About two years.
- Q Where did you live before that? A In Arkansas. For a good while; ten or twelve years; and come from Missouri to Arkansas.
- Q Where in Missouri? A A Douglas County.
- Q Were you born there? A Yes sir.
- Q Is your father living? A Yes sir.
- Q Is your mother? A Yes sir.
- Q What is your father's name? A Jink Clinton.
- Q What is your mother's name? A Julita Clinton.
- Q Do you claim your Choctaw blood through your mother? A Yes sir.
- Q How much Choctaw blood do you claim? A One sixteenth.
- Q Do you claim your mother is one eighth Choctaw blood? A Yes sir.
- Q Has your mother ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.
- Q Are you married? A No sir.
- Q You claim for yourself alone do you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made any such to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application for citizenship in the Choctaw Nation that you have ever made? A Yes sir.
- Q Do you come before the Commission at this time to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article or would you like it explained to you? A I have heard you explain it twice, and I can't explain it.

E. Clinton---2

Q Do you think you understand it well enough to know exactly what rights you claim under it; do you understand that it is entirely through a compliance with article fourteen of the treaty of 1830 that you base your right to identification? A Yes sir.

This treaty of 1830 was made between the Choctaw Indians who lived in the old Choctaw nation at that time and the United States Government; because the Government desired to have the Choctaw Indians leave as a nation and exercise all their tribal rights in a section where they would not be encroached upon or disturbed by any other people; they were interfered with in their rights in the old Choctaw nation, and to carry out this idea the Government induced the Choctaw Indians to make this treaty with them, called the treaty of Dancing Rabbit Creek or the treaty of 1830, which was made at Dancing Rabbit Creek on the 27th day of September of that year; but it was a difficult thing to remove the Indians from where they have always lived, and because of this feeling which they had against removal a great many Indians stayed back in the old Choctaw nation; some provision was required for those Indians who remained in the old Choctaw nation and article fourteen was drafted and put into the treaty for their special benefit and the treaty was signed and afterwards on the 24th day of February, 1831 was ratified; that is the article under which you are making your claim

It is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A I don't know sir.

Q Whom do you claim your right to identification through? A Alebeath Ball.

Q What was her husband's name? A Aaron Freeman.

Q Was Aaron Freeman a white man? A Yes sir.

Q What relation was Alebeath Ball to you? A Great grandmother.

Q How much Choctaw blood do you claim she had? A One half.

Q Your twin brother Alexander Clinton has made application today, hasn't he? A Yes sir.

Q And also your mother Julita Clinton? A Yes sir.

Q You claim through your mother and she claims through her mother? A Yes sir.

Q What was her mother's name? A Rachel Turnbull.

Q Her maiden name was what? A Freeman.

Q Was she a daughter of Alebeath and Aaron Freeman? A Yes sir.

Q And claimed through her mother Alebeath? A Yes sir.

E. Clinton-----3

Q Did any of these Choctaw ancestors live in Mississippi at any time? A None but Alabeath Ball used to live there.

Q Did she live there in 1830 and have a family there then? A Yes I reckon she did about that time somewhere.

Q You don't know whether she lived there in 1830 when that treaty was made? A No sir.

Q She or anyone for her or did any of your Choctaw ancestors go to the United States Indian agent Col. Ward within six months after the ratification of the treaty and register or attempt to register under article fourteen of that treaty? A I don't know sir.

Q Did Alabeath Freeman or any Choctaw ancestor of yours less remote live on land in the old Choctaw nation after the treaty of 1830 was ratified five years and then get a patent from the Government for that land? A Not that I know of.

Q Did any of your Choctaw ancestors claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.

Q Did any Choctaw ancestors of yours go from that old Choctaw Nation to the Choctaw Nation Indian Territory between 1833 to 1838 with the other Indians at the expense of the Government? A No sir.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A No sir, I reckon not.

Q Did any of your Choctaw ancestors go before a Commission appointed by an act of Congress approved March 3, 1837 or before one in 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know sir.

These Commission were appointed one in 1837 and the other in 1842 to hear those Choctaw Indians who claimed that they had attempted to register under article fourteen of the treaty of 1830 within six months from its ratification but had been prevented from making registration under article fourteen by the agent Col. Ward and as a result of his refusal to allow them to register they claimed that their land had been taken from them in the old Choctaw nation with the improvements thereon and sold by the Government at Public Land Sale. This caused so many complaints among the Choctaw Indians that in 1837 this Commission was appointed to hear their complaints and also in 1842 a Commission was appointed.

Q You don't know whether any of your Choctaw ancestors went before either? A No sir.

Q Did you ever hear that any of your Choctaw ancestors, Alabeath Freeman or any other received any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A No sir.

Q This scrip was issued under an act of Congress approved August 23, 1842. Do you speak or understand the Choctaw language? A No sir.

B. Clinton-----4

Q Have you any other evidence that you want to present now?

A No sir.

This applicant will be allowed up to and including the 24th day of March, 1903, for the introduction of other proof in this case if he desires to submit it.

(To applicant's attorney:) Q Any questions? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he is a twin brother of Alexander Clinton who has just appeared before the Commission; his hair is nearly black, mustache light brown, eyes blue, complexion medium dark. He has no knowledge of the Choctaw language.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 2, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 21 day of March, 1903.

Charles H. Sawyer

Notary Public.

M. C. R. 6803.

Muskogee, Indian Territory, June 15, 1904.

Eldrige Clinton,

Maberry, Arkansas,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

Tamie Dixby.
Chairman.

M.C.R. 6803.

Muskogee, Indian Territory, May 8, 1905.

Eldrige Clinton,
Maherry, Arkansas.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6803

No. 6803

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 2 1903

Name Eldrige Clinton

Age 33 — Blood 1/16

Post Office, Maberry, Ark.

Father: Jinx Clinton, l.

Mother: Julia .. l.

Claims through mother. '18

Children:

Claims for self

Stenographer X. M. Williams

FOR IDENTIFICATION AS R. 6
A MISSISSIPPI CHOCTAW.

Eldridge C. Linton
REFUSED

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 16 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.

JUN 15 1904

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.
AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 18 1905

NOTICE OF DEPARTMENTAL
FORWARDED ATTORNEY APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

6255 MAY 1905

Choctaw MCR 6804

Mary Dooly

MCR 6804

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Mary Dooly, et al., for
identification as Mississippi Choctaws, M.C.R. 6804.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Mary Dooly, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Commission to take deposition of Jane Cash-----	6
Caption to deposition of Jane Cash-----	7
Direct interrogatories propounded to Jane Cash-----	8
Cross interrogatories propounded to Jane Cash-----	10
Certificate of S. C. Hart-----	18
Envelope which contained deposition of Jane Cash-----	19
Commission to take deposition of Dave Akle-----	20
Caption to deposition of Dave Akle-----	21
Direct interrogatories propounded to Dave Akle-----	22
Cross interrogatories propounded to Dave Akle-----	24
Certificate of S. C. Hart-----	25
Envelope which contained deposition of Dave Akle-----	35
Decision of the Commission refusing the ap- plication of Mary Dooly, et al., for identi- fication as Mississippi Choctaws-----	36

-oOo-

#6804.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 2, 1903.

In the matter of the application of Mary Dooly for the identification of herself and her six minor children, Emory Spears, Lucius, Lucile, Pocahontas, Willie and Lizzie Dooly, as Mississippi Choctaws.

S. W. Isaac, attorney for applicants.

Mary Dooly being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary Dooly.
Q What is your age? A Forty.
Q What is your post office Address? A Lafayette, Texas.
Q How long have you lived in Texas? A About seventeen years.
Q Where did you live before that? A In Georgia.
Q Where in Georgia? A In east Georgia.
Q What place? A Franklin County.
Q Were you born there? A No sir.
Q Where were you born? A In Mississippi.
Q Where in Mississippi were you born? A I dont remember where.
Q How long did you live in Mississippi? A I dont know sir.
Q Did you go from Mississippi to Georgia? A Yes sir, my parents went and carried me there when I was small.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Larry Cash.
Q What is your mother's name? A Jane Cash.
Q Through which parent do you claim Choctaw blood? A Through both of them, but mostly from my father.
Q How much Choctaw blood do you claim? A About one half.
Q How much do you claim Larry Cash, your father, had? A About three quarters.
Q How much do you claim your mother has? A About one half.
Q Would that not make you claim a little more than one half? A It might be a little more or a little less.
Q If your father was one half and your mother one half that would make you one half; but you claim your father is one quarter more than one half; do you know how much you would be? A No sir, I dont know just how much that would make me.
Q If you are one half of what your father was you would be three eighth, and if you are one half of what your mother is you would be one quarter; one quarter is equal to two eighth, and two eighth added to three eighth makes five eighth, isn't that right, or do you know? A I dont know.
Q Do you know whether your parents have ever been recognized or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A I have been married, but I am a widow.

Mary Dooly-----2

- Q Is your husband dead? A Yes sir.
- Q You never have been married but once? A No sir.
- Q Was he a negro? A Yes sir.
- Q What was his name? A Peter Dooly.
- Q Is Peter Dooly the father of the children you are going to make application for? A Yes sir.
- Q What was your father's blood besides the Choctaw blood you claim he had; was he colored? A Yes sir.
- Q And was your mother's that of a colored woman aside from the Choctaw blood you claim she has? A Yes sir.
- Q You have no white blood whatever? A Not that I know of.
- Q Were your parents slaves at any time? A No sir.
- Q Were you a slave? A No sir.
- Q Give me the name of your oldest child for whom you want to make application? A Emory Spears Dooly.
- Q How old is he? A He's eighteen.
- Q What is the name of the next child? A Lucius Dooly.
- Q How old? A Sixteen.
- Q The next? A Lucile Dooly, a girl.
- Q How old is she? A Eleven.
- Q Lucius is a boy? A Yes sir.
- Q The name of the next? A Pocahontas Dooly.
- Q That's a boy? A No sir, a girl.
- Q How old? A Nine.
- Q The next? A Willie.
- Q Boy or girl? A Girl.
- Q How old? A Six years old.
- Q The next? A Lizzie.
- Q How old? A Four years old.
- Q Is that all? A Yes sir.
- Q You claim for yourself and these six children? A Yes sir.
- Q Was your husband now deceased, Peter Dooly, the father of these children? A Yes sir.
- Q Are these children living with you? A Yes sir.
- Q Is your name together with the names of these children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir, not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Do you come before the Commission at this time to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Have you or your children ever been recognized as members of the Choctaw tribe of Indians by any authority whatever up to the present time? A No sir.
- Q This is your first application, is it, for citizenship in the Choctaw Nation? A Yes sir.
- Q You claim under article 14 of that treaty do you? A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of

Mary Dooly-----3

September of the year 1830. The object of the government in making this treaty with the Choctaw Indians was to remove them from that old Choctaw Nation, partly in Mississippi and partly in Alabama, where their rights were not protected in a proper manner from the encroachment of the white people, to the Choctaw Nation, Indian Territory, where the government felt it could protect them in their tribal rights, laws and usages. But before the treaty was signed it became known that a good many Choctaw Indians would refuse to go with the other Indians under the treaty to the Choctaw Nation, Indian Territory, and in order to protect the interests of those who preferred to stay back in the old Choctaw Nation article 14 was put into the treaty of 1830. That article was put there for the especial benefit of the Mississippi Choctaws and their descendants, and after it was inserted in the treaty the treaty was signed and later on became ratified, on the 24th day of February, 1831. Article 14 of the treaty of 1830 under which you make your claim is as follows:

"each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctawancestors complied or attempted to comply with that article of that treaty? A No sir.
- Q What is the name of your ancestor through whom you are making your claim through for identification now; go back to the old folks? A To my father and mother, s parents? George Johnson.
- Q What relation was he to you? A That was my father's father, my grandfather.
- Q Can you go back any further on your father's side? A No sir.
- Q How much Choctaw blood did George Johnson, your father's father, have? A My mother said he was full blood Indian.
- Q Do you claim through your mother also? A Yes sir.
- Q Give me the name of your mother's ancestors? A I cant go back any further on my mother's side than what I have heard her say her mother's name was.
- Q What was her name? A She said her mother's name was Peggy. Peggy what? A I dont know sir.
- Q That was your mother's mother? A Yes sir.
- Q Did your mother's mother have any Choctaw blood? A I dont know sir.
- Q You dont know whether your mother ets her Choctaw blood

Mary Dooly-----4.

through her mother or not? A No sir.

Q Then you dont know ~~whether~~ anything about your Choctaw blood on your mother's side any further than your mother? A No sir.

Q You think she had Choctaw blood? A Thats what she says.

Q But you dont know whether she got it from her father or mother? A No sir; my father's mother was part Indian.

Q What was her name? A Rachel Johnson.

Q Do you know anything about her father or mother? A No sir.

Q How much Choctaw blood did Rachel Johnson, the wife of George Johnson, have? A About one half I think.

Q Did any of your Choctaw ancestors, George Johnson or his wife Rachel, or any of your Choctaw ancestors on your mother's side, live in Mississippi in 1830 and have families there then? A I dont know sir.

Q Did any of your Choctaw ancestors live in Mississippi at any time? A Yes sir.

Q Did any of them live in Alabama? A No sir, not that I know of.

Q But you dont know whether any of them lived in Mississippi in 1830 and had families there at that time? A Yes sir, they had families there, but I dont know whether it was that time or not.

Q Did any of them within six months after the treaty of 1830 was ratified go to the United States Indian Agent, Colonel Ward, and attempt to register under article 14 of the treaty of 1830? A I dont know.

Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation in 1830 and after the treaty of 1830 was ratified for five years, and at the end of that time receive a patent from the government under article 14 of the treaty of 1830? A I dont know that; if they did I didn't hear anything about it.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A No sir.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A No sir, not that I know of.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians under the treaty of 1830 at the expense of the government between 1833 and 1838? A I dont know sir.

In 1837 by an act of congress approved March 3rd of that year a commission was appointed which went to Mississippi and heard claimants under article 14 of the treaty of 1830; in 1842 another commission was appointed by an act of congress approved August 23rd of that year for the same purpose. The reason why these commissions were appointed by these various acts of congress was because of the complaints made by Choctaw Indians that they had attempted to register under article 14 of the treaty of 1830 within six months after the ratification of that treaty, but were prevented from so doing by Colonel

Mary Dooly-----5

William Ward, the agent, and because they were prevented from registering the government took their land from them and sold it with the improvements on it.

- Q Did any of your Choctaw ancestors go before either of these two commissions and claim any benefits under article 14 of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of congress approved August 23rd, 1842, and was given to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their lands in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Do you understand or speak the Choctaw language? A No sir.
- Q Have you any relatives who have been before this commission to be identified as Mississippi Choctaws? A No sir.
- Q Do you want to have any time in this case?

By S W Isaac, attorney for applicant: I want time to take depositions.

By the Commission: This applicant will be allowed time for the purpose of introducing any proper testimony to and including the 24th day of March, 1903.

By S W Isaac:

- Q You say your father's name was Larry Cash? A Yes sir.
- Q What was your father's father's name? A George Johnson.
- Q How is it that your grandfather's name was George Johnson and your father's name Cash? A I suppose that was his Indian name; after he was carried out from there they called him Cash.
- Q Was your father ever recognized as Larry Johnson? A Yes sir.

By the Commission: This applicant has the appearance and physical characteristics of being descended from mixed ancestry; she claims she has no white blood; if not, although her African blood predominates, she is a mixture of African and Indian. She has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830. Her eyes are black; dark skin; black hair, somewhat gray, very nearly straight.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 2nd day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 14 day of March, 1903.

Charles H. Sawyer

Notary Public.

COPY.

SA

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Mary Dooly, et al., for identification as Mississippi Choctaws, M.C.R. 6804.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Mary Dooly for herself and her six minor children, Emory Spears, Lucius, Lucile, Pocahontas, Willie and Lizzie Dooly, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

(2)

of George Johnson, who is alleged to have been a full-blood Choctaw Indian, and Rachel Johnson, who is alleged to have been a Choctaw Indian, degree of blood not positively stated, and both of whom to have resided in Mississippi in eighteen hundred and thirty, and Jane Cash, who is alleged to have been a Choctaw Indian, degree of blood not positively stated.

The applicants herein also claim to derive their Choctaw blood from one of the maternal grand-parents of the principal applicant whose names are given as Peggy (or Peggie) Nawl (or Lane) and Millie Nawl, but they are unable to state which one of said ancestors possessed Choctaw blood.

In order that every possible right these applicants may have by reason of such descent may be fully adjudicated, the records of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, have been searched and nowhere therein do these names appear.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 17, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted

(3)

to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said George Johnson, or Rachel Johnson, or Jane Cash, or Peggy (or Peggie) Nawl (or Lane), or Billie Nawl, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary Dooly, Emory Spears Dooly, Lucius Dooly, Lucile Dooly, Pocahontas Dooly, Willie Dooly and Lizzie Dooly, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Chairman.

(SIGNED)

T. D. Martin
Commissioner.

(SIGNED)

Commissioner.

(SIGNED)

W. E. Stanley
Commissioner.

Muskogee, Indian Territory,

1904

M.C.R. 6804.

Muskogee, Indian Territory, April 1, 1903.

S. W. Isaac,
Attorney-at-Law,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of recent date enclosing copy of direct interrogatories to be propounded to Robert Magee and Jane Cash, non-residents of Indian Territory and witnesses in the Mississippi Choctaw case of Mary Dooly, et al., M.C.R. 6804, together with proof of service of a copy of said interrogatories on the attorneys for the Choctaw and Chickasaw Nations.

The application to take the depositions of the witnesses aforesaid being in acceptable form will be held the fifteen days allowed for the filing of cross interrogatories by the attorneys for the Choctaw and Chickasaw Nations, at the expiration of which time a commission will be issued for the taking of the depositions and will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions; after which, reasonable time will be permitted to elapse for the submission of same to this Commission.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 20, 1903.

S. W. Isaac,
Attorney-at-Law,
Muskogee, Indian Territory,

Sir:

Enclosed please find commission to take the deposition of Jane Gash, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Mary Dooly, et al. pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness, also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking thereof, to return same to this Commission in order that the application in which they are to be filed may be brought to an early determination as possible.

Respectfully,

Enclosures:
J. D. #9.

Chairman.

Muskogee, Indian Territory, July 2, 1903.

S. W. Isaac,

Attorney-at-Law,

Muskogee, Indian Territory.

Sir:

Enclosed please find commission to take the deposition of Dave Akle, same to be read in evidence in the matter of the application for identification as a Mississippi Choctaw of Mary Dooly, pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness; also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to as early a determination as possible.

Respectfully,

Enclosures:
J.D. #10.

Chairman.

N C R 604

Muskogee, Indian Territory, April 7, 1904.

Mary Dooly,

Lafayette, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Dooly, et al., including you, your children Emory Spears Dooly, Lucius Dooly, Lucile Dooly, Pocahontas Dooly, Willie Dooly and Lizzie Dooly.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

M C R 6804

Copy.

Muskogee, Indian Territory, April 7, 1904.

S. W. Isaacs,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Dooley et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

E. P. Redick.

Registered.

Commissioner in Charge.

M C R 6804

COPY.

Muskogee, Indian Territory, April 7, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Dooly, et al.

You are hereby advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Enc MCR-6804

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, April 23, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Mary Dooly et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James H. H. H.

Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. MCR 6804.

(COPY)

CFL.

Land.

DEPARTMENT OF THE INTERIOR,

28280-1904.

OFFICE OF INDIAN AFFAIRS.

Washington, October 24, 1904.

In Re

Application of Mary Dooley, et al., MCR. 6804,
to be identified as Mississippi Choctaw Indians.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit for Departmental action the record and accompanying papers in the above case with the recommendation of this office therein. The principal applicant, Mary Dooley for herself and her six minor children, Emory Spears, Lucius, Lucile, Pocahontas, Willie and Lizzie Dooley, whose present post office address is Lafayette, Texas, claims rights in the Choctaw lands under Article 14 of the Treaty of 1830 between the United States and the Choctaw Nation by reason of being descendants of one George Johnson, a full-blood Choctaw Indian, and his wife Rachel Johnson, "about one-half" Choctaw Indian as claimed, alleged residents of Mississippi in 1830 and grandparents of principal applicant, Mary Dooley. Applicants further claim Choctaw blood by reason of descent from a maternal grandparent named Peggy Nawl, nee Lane, who married Billie Nawl,

degree of blood not stated but alleged Choctaw Indians'. Applicant, Mary Dooley, claims that her mother Jane Cash, nee Lane, an alleged three-quarter Choctaw Indian woman, was married to Larry Cash an alleged full-blood Choctaw Indian, whose true name was Larry Johnson, son of George Johnson. The records of this office fail to show that anyone by the name of Peggy Nawl, Peggy Lane, Billie Nawl, Jane Cash or Jane Lane were beneficiaries in anywise under the provisions of Article 14 of the Treaty of 1830. As to George Johnson and Rachel Johnson his wife, the other ancestors through whom applicants claim descent, the records both of this office and the General Land Office show that one George Johnson received a patent to lands under the 14th Article of the Treaty of 1830 for himself and seven children not named; that said lands were situate in Clark County, Mississippi, and are described as follows, viz: Secs. 8 and 9, S/2 Sec.5, and lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, of fractional section 16, being fractional Section 16 North of the old Choctaw boundary line, and Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, of fractional Section 17, being fractional section 17 North of the old Choctaw boundary line, all in Township 10, N., R. 8 W., and that one to Silas D. Johnson, one of the children of the said George Johnson, over ten years of age at the time of said treaty there was specially designated as the tract located and patented to him the following land: E/2 Sec.7, T.10 N., R.8W., situate in same county and state (see for records of Indian Office, Brown & Kincannon's Notes of Proceedings

in certifying Choctaw claims Book 94-374, Compilation of Choctaw Reservations page 26, Letters of Indian Office, dated May 16, 1841, Letter Book 30-273 and August 9th 1845, Letter Book 37, page 58, copies of which letters are herewith enclosed. See for records of General Land Office Record of Patents Choctaw Treaty of 1830 Vol. 1, page 130). No mention is made either in the records of this office or those of the General Land Office of one Rachel Johnson as the wife of said George Johnson. But the records of both of said offices do show that one Mary Johnson and her two children received a patent to lands under the provisions of Article 14 of the Treaty of 1830, said lands being Sec. 8, and E/2 of Sec. 7, T. 3, R. 13 East, Jasper County, Mississippi; but the relationship, if any, of Mary Johnson and her two children to George Johnson is nowhere shown, (see for records of Indian Office, Brown & Kinnannon's Notes of Proceedings in certifying Choctaw claims in Miss. Book 94-400, Letters of Indian Office dated May 8, 1845, Book 36-368 and August 9, 1845, Book 37, P. 58, copies of which are herewith enclosed. See for record of General Land Office Record of Patents Choctaw Treaty of 1830, Vol. 1, page 132).

The evidence in this case shows that George Johnson and Rachel Johnson his wife, the ancestors through whom applicants claim, lived in Perry County, Mississippi. (See testimony of Jane Cash Mother of applicant page 9 and Dave Akle Pages 23 & 27) that said ancestors received no lands in Mississippi, (see page 14

of the record) that said ancestors' children as known were Pocahontas, George, William and Henry Johnson (see page 31 of Record) while the records both of this office and the General Land Office show that the George Johnson who with his eight children (none named except Silas D. Johnson) was a beneficiary under Article 14 of the Treaty of 1830 did receive lands in Clark County Mississippi; that the name Rached Johnson nowhere appears as the name of his wife nor do the names Pocahontas, George, William and Henry Johnson appear as the names of any of the children of George Johnson and it is not believed that the George Johnson, the ancestor through whom applicants claim, is identical with George Johnson, a patentee under the 14th Article of the Treaty of 1830. In view of the foregoing facts, and from the further fact that none of the foregoing applicants have ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321), and principal applicant having as the Commission states the appearance of having descended from a mixed ancestry, the African blood predominating and having no knowledge of Choctaw language, I am of opinion that the evidence submitted herein is sufficient to determine the identity of Mary Dooley, Emory Spears Dooley, Lucius Dooley, Lucile Dooley, Pea-

honras Dooley, Willie Dooley and Lizzie Dooley as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of Article 14 of the Treaty of 1830 and that the decision of the Commission of March 15, 1904, refusing to identify the aforesaid applicants as Mississippi Choctaw Indians should be affirmed and I so recommend.

Very Respectfully,

A. C. Tonner,
Acting Commissioner.

GR

(COPY)

OFFICE INDIAN AFFAIRS,

May 8th 1845.

Shields, Esqr. James

Commr. Genl. Land Office,

Sir:

With reference to letter from your office of 1 ultimo, respecting the location made for Mary Johnson a claimant under 14th Article Choctaw Treaty of 1830, for Section 8 in Township 3 of Range 13 East Augusta land districts, I have to state that altho' this Department has not by its action upon it decided that the claim is a valid one, yet that there appears such equity in it that I cannot consent that the location shall be disturbed. The claim will be considered at a very early day and should the decision of the Department be adverse to its confirmation, I will at once inform you of the facts.

T.H.C."

See Book 36-368.

(COPY)

OFFICE OF INDIAN AFFAIRS,

15th May 1841.

Whitcomb, James

Comr. Genl. Land Office,

Sir:

Your letter of the 30th ultimo enclosing copy of a letter from George Johnson in relation to his claim under the 14th article of the Cherokee treaty of 1830 has been received. A location has been made for Mr. Johnson and returned to this office but as his name is not on what is termed "Ward's Register" on file in this Department the selection has not been submitted for approval. There is, however, evidence here showing conclusively, I think, that Col. Ward registered the name of George Johnson for five years stay but as that fact will be considered no doubt as bringing his claim within that class known as contingent locations, it is not deemed necessary to discuss it now.

T.H.C."

2.

The present claim is not presented under either of these laws, but is based on the fact that the reservee is shown to have complied with the requisites of the treaty, and therefore is not one of the claims to be examined by Commrs. appointed under either of the laws above quoted. In a similar case, that of Jubal B. Hancock, a white man with an Indian family, I reported against ^{his} claim, not because he was a white man, but because his reservation had been improperly located. He went to Congress with it on August 11 1842, the same session that adopted the law prohibiting grants to white persons. An act was passed for his relief giving him and his the quantity of land they claimed under the treaty, notwithstanding he was a white man. I therefore think, considering all the circumstances, that the claim should be admitted, by doing which justice will be meted out to a large family of Indian children.

Very &c.,

T. Hartley Crawford,
Commissioner.

2.

The present claim is not presented under either of these laws, but is based on the fact that the reservee is shown to have complied with the requisites of the treaty, and therefore is not one of the claims to be examined by Comms. appointed under either of the laws above quoted. In a similar case, that of Jubal B. Hancock, a white man with an Indian family, I reported against ^{his} claim, not because he was a white man, but because his reservation had been improperly located. He went to Congress with it on August 11 1842, the same session that adopted the law prohibiting grants to white persons. An act was passed for his relief giving him and his the quantity of land they claimed under the treaty, notwithstanding he was a white man. I therefore think, considering all the circumstances, that the claim should be admitted, by doing which justice will be meted out to a large family of Indian children.

.

Very &c.,

T. Hartley Crawford,
Commissioner.

(COPY)

Office of Indian Affairs,

August 9th 1845.

Shields, Esq., James

Comm'r. Genl. Land Office.

Sir:

I transmit herewith evidence of the approval by the President of the United States of the location of the reservation under the 14 act Choctaw treaty of 1830 of George Johnson, Mary Johnson and Benjamin W. Garvin. The names of their children were not registered by Col. Ward, the recording agent. Hence, with the exception of Silas D. Johnson, son of George Johnson this office cannot identify the particular tract of land intended to be allotted to the children respectively. Therefore in issuing the patents, which may be delivered to Henry L. Martin, Esq., of Miss. at present in this city, who has represented the claims before this Department, I respectfully suggest that you follow the course pursued by your office in similar cases, by which the rights of the children will be protected.

T.H.C."

See Letter Book 37 page 58 Indian Office.

YP

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE

D. C. 41880

October 27, 1904.

I.T.D. 10898-1904.

LRS

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

April 23, 1904, you transmitted the record in the case involving the application of Mary Dooly, for the identification of herself and her six minor children, Emory Spears, Licius, Lucile, Pocahontas, Willie and Lizzie Dooly, as Mississippi Choctaws, including your decision of March 15, 1904, which was adverse to the applicants.

Reporting in the matter October 24, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,
Secretary.

1 inclosure.

D.C. 41880-1904.

Muskogee, Indian Territory, November 5, 1904.

The Commissioner of Indian Affairs,
Washington, D.C.,

Sir:

The Commission respectfully requests that it be furnished a copy of your report to the Department, dated October 24, 1904, in the Mississippi Choctaw case of Mary Dooly et al., as no copy of your said report accompanied the Department's communication of October 27, 1904, affirming the decision of the Commission in this case.

Respectfully,

Chairman.

M.C.R. 6804.

Muskogee, Indian Territory, November 7, 1904.

Mary Dooly,

Lafayette, Texas.

Dear Madam:

You are hereby notified that on the 27th day of October 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for the identification as Mississippi Choctaws of yourself, and minor children, Emory Spears Dooly, Lucius Dooly, Lucile Dooly, Pocahontas Dooly, Willie Dooly and Lizzie Dooly, of which decision you were advised by registered mail of the 7th day of April 1904.

Respectfully,

James Kirby
Chairman.

M.C.R. 6804

Muskogee, Indian Territory, November 7, 1904

S. W. Isaacs,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 27th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Dooley et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

John D. Doby
Chairman.

M.C.R. 6804

COPY.

Muskogee, Indian Territory, November 7, 1904.

Mansfield, McMurphy & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 27th day of October, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Mary Dooley et al., a copy of which decision was mailed you on the 7th day of April, 1904.

Respectfully,

SIGNED

James Dixey

Chairman.

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES
a copy of testimony in the following Mississippi Ghostaw cases:

Mary Dooly, et al.,	M.C.R. 6804
Henry Harrison, et al.,	" 6624
Mamie Tyson,	" 7414
Peter Kebble,	" 7413
Lena Harris, et al.,	" 7264

J. W. Isaac.....

Affidavit for
Deposition of Danc
Able in Case of
Mary Dooly et al
M.C. R 6804.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 6 1903



CHAIRMAN

State of Texas }
County of } Affidavit.

Mary Dooley, applicant for justification as Mississippi Choctaw, states that Dave Able is a witness in her behalf; that said witness a resident of the State of Texas; that the testimony of said witness is material to said applicant's claim, and evidence sought to be adduced in taking depositions of said witness is to prove, 1st that said Applicant's ancestors were fullblood Choctaw Indians, 2nd that said ancestors were living in Mississippi in 1830, the head of a family there at that time, and 3rd that said ancestors attempted to comply with article fourteen of the treaty of 1830.

(Signed) Mary Dooley
Subscribed and sworn to before me this 10th day of May, 1890.
County Clerk
C. W. P. Co. & Co.

Affidavit for
Taking Deposit
here in the Case
of Mary Dooley et al
M.C.R. 6804.

United States of America } Affidavit for
Indian Territory } depositions in case of
Western District } Mary Dooly m.c.r. 1903

Mary Dooly, Applicant in above ~~new~~ styled
Cause, states that Jane Cash and Robert
Magill live in the State of Texas and are
non-residents of the Indian Territory;
that said ~~parties~~ persons are material
witnesses in said applicant's case, whose
depositions ~~and~~ said applicant desires to
have taken, and that evidence sought
to be adduced by depositions of said wit-
nesses in support of said cause is in-
tended to prove compliance on part
of said applicant, & executors with
provisions of Article fourteen of
the treaty of 1830.

x Mary Dooly
Cash

Witness
J. M. Isaac

Sworn to before me this 2nd day of March 1903.

R. D. Woodward

Notary Public

6804

No.

6804

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name Mary Hooley

Age 40 - Blood $\frac{1}{2}$

Post Office, Lafayette, Tex. ---

Father: Larry Cash. $\frac{3}{4}$ dMother: Jane " $\frac{1}{2}$ l.

Claims through both parents

Husband.

Peter Hooley — (d) neg

Children:

Emory S. Hooley. 18

Lucius (M) " 16

Lucile (F) " 11

Pocahontas .. F. 9

Willie " " 6

Lizzie " 4

Claims for self &
6 minors

Stenographer W. H. Martin.

Mary Dooley et

MAR 15 1904

OFFICE

RECEIVED

RECEIVED

NOTICE OF DECISION FORWARDED
APPLICANT APR -7 1904

RECEIVED AND FORWARDED DEPARTMENT
APR 2 1904

ACTION APPROVED BY
SPECIAL AGENT IN CHARGE

APR 2 1904

RECEIVED

RECEIVED

NOTICE OF DECISION FORWARDED
FORWARDERS
AND OF DECISION FORWARDED

APR 2 1904

Choctaw MCR 6805

Emeline G. Adams.

MCR 6805

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emeline G. Adams, et al., for identification as Mississippi Choctaws, consolidating the applications of

Emeline G. Adams, et al.,	M C R 6805
Minnie A. Cook, et al.,	M C R 6806
Hattie A. Ward,	M C R 6807

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page number of each in said record.

	Page.
Original application of Emeline G. Adams, et al., for identification as Mississippi Choctaws	1
Original application of Minnie Adams Cook, et al., for identification as Mississippi Choctaws	6
Original application of Hattie Adams Ward for identification as a Mississippi Choctaw	11
Final decision of the Commissioner in the consolidated Mississippi Choctaw case of Emeline G. Adams, et al.,	16

#6805.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 2, 1903.

In the matter of the application of Emeline G. Adams for
the identification of herself and her minor child, Leroy Adams,
as Mississippi Choctaws.

E. S. Johnson, attorney for applicants.

Emeline G. Adams being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Emeline G. Adams.
Q What is your age? A I will be 47 in May.
Q 46 now? A Yes sir.
Q What is your post office address? A Durant.
Q Indian Territory? A Yes sir.
Q How long have you lived in Durant? A About a month.
Q Where before that? A In Texas.
Q Where were you born? A I was born in Alabama.
Q Where in Alabama? A I couldn't tell you; I was so small I
dont remember.
Q Did you go from Alabama when you were young? A Yes sir, I was
only six months old.
Q To what state did you go? A To Arkansas.
Q And lived there how long? A I dont remember just how long; my
father moved out to Texas and then back again.
Q Were you small when you went from Arkansas to Texas? A Yes
sir.
Q Have you lived in Texas ever since until you came to the
Choctaw Nation? A No sir, we went back to Arkansas, and my
husband moved out to Texas two years ago.
Q Then you moved to Durant after living in Texas two years? A
Yes sir.
Q And previous to that you lived in Arkansas? A Yes sir.
Q About how long? A I dont know just how long it was.
Q Twenty or thirty years? A I guess about thirty years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A John Hogan Gee.
Q What was your mother's name? A Rachel G. Cobb.
Q Was that her maiden name? A Yes sir.
Q Then Rachel G. Gee? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My
mother's side.
Q How much Choctaw blood do you claim? A About one sixteenth
I guess.
Q You think your mother was one eighth? A Yes sir.
Q Has she ever been recognized or enrolled as a member of the
Choctaw tribe of Indians by either the Choctaw tribal author-
ities or the United States authorities in the Indian Territo-
ry? A No sir.
Q Is your husband living? A Yes sir.
Q What is his race? A He is a white man.
Q What is his name? A W. H. Adams.

Emeline G Adams-----2

Q Do you make any claim for your husband? A Yes sir.

BY MR JOHNSON, attorney for applicant:

Q You dont make any claim for your husband? A No, I guess not.

By the Commission:

Q You dont claim he is a Choctaw Indian, do you? A No sir.

Q How many children have you under age and unmarried? A One.

Q What is the name of that child? A Leroy Adams.

Q How old is he? A Fifteen.

Q You claim for yourself and one child? A Yes sir.

Q Is your husband, W. H. Adams, the father of Leroy? A Yes sir.

Q Are you and he living together as husband and wife, and this child living with you? A Yes sir.

Q Is your name or is the name of your son on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Q Have you ever made any such application for citizenship to the Commission to the Five Civilized Tribes under the act of congress of June 10, 1896? A No sir.

Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.

Q Do you come before the Commission at this time to identify yourself and your son as Mississippi Choctaws? A Yes sir.

Q Do you make this claim under article 14 of the treaty of 1830? A Yes sir.

Q Do you understand that article? A Yes sir, I believe so; I have read it; I dont understand it.

The treaty of eighteen hundred and thirty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830. The object of the treaty was to remove all the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. The treaty was then signed, and afterwards was ratified. Article 14 under which you claim today is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location

Emeline G Adams-----3

of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty? A My great grandfather is all I know.
- Q What is the name of your ancestor through whom you make this claim today? A Captain Cobb.
- Q What relation was he to you? A Great grandfather.
- Q How much Choctaw blood did Captain Cobb have? A One half I think.
- Q You claim through your mother, Rachel; what was her maiden name? A Cobb.
- Q Rachel Cobb? A Yes sir.
- Q Through whom did she claim? A Through her father.
- Q What was her father's name? A Her father's name was Wilson Cobb.
- Q Wilson Cobb claimed through whom, father or mother? A Father.
- Q Was that Captain Cobb? A Yes sir.
- Q Now, did Captain Cobb or any of these Choctaw ancestors whom you have named live in Mississippi or Alabama in 1830 and have a family there then? A Captain Cobb did.
- Q In 1830? A Yes sir.
- Q He was the head of a family there was he? A Yes sir.
- Q Do you know how many children he had living with him there at that time? A No sir, I dont.
- Q Did Captain Cobb or any other Choctaw ancestor of yours living in the old Choctaw Nation live on land there for five years after the treaty of 1830 was ratified and then get a patent from the government for that land under article 14 of the treaty of 1830? A I dont know whether they did or not?
- Q Did Captain Cobb or any Choctaw ancestor of yours claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A Yes sir, I think Captain Cobb did.
- Q Do you mean he claimed it by trying to register under article 14? A I dont know about that.
- Q Did he live on land in the old Choctaw Nation at any time? A I dont know sir.
- Q Did he go to the United States Indian agent, Colonel Ward, within six months after the ratification of the treaty of 1830 and register or attempt to register under article 14 of that treaty? A I dont know sir, whether he did or not.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A I dont know sir; I dont guess they did.
- Q You live at Durant, Indian Territory? A Yes sir.
- Q Did your mother ever live in the Indian Territory? A No sir.
- Q Did her father? A No sir.
- Q Or his father? A No sir,-- I dont know whether he did or not; I couldn't tell you about that.
- Q You never heard of? A No sir.

Emeline G Adams-----4.

- Q You never heard that any of your Choctaw ancestors went to the Choctaw Nation, Indian Territory, with the other Indians at the expense of the government between 1833 and 1838? A No sir, I don't know anything about that.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A No sir, I guess not.
- Q Did any of your Choctaw ancestors go before a commission that was appointed by an act of congress approved March 3rd, 1837, or before a commission appointed by an act of congress approved August 23rd, 1842, and claim any benefits under article 14 of the treaty of 1830? A I don't know, sir; I couldn't tell you anything about that.

These commissions were appointed in these various years mentioned because of the complaints made by Choctaw Indians that they had attempted to register under article 14 of the treaty of 1830, but because Colonel Ward, the agent, had refused to allow them to register under that article within six months after the ratification of the treaty the government had taken their land from them in the old Choctaw Nation and sold it at its public land sales. This caused so many complaints and so much disturbance among the Indians that these two commissions were appointed to hear these complaints.

- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir, I never heard anything about it.

This scrip was issued under an act of congress approved August 23rd, 1842, and was issued to those Choctaw Indians who proved their rights under article 14 and also proved that their lands in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you speak or understand the Choctaw language? No sir.

This applicant will be allowed time in which to introduce other testimony in this case if she desires to and inclusive of the 24th day of March, 1903.

By Mr Johnson: She claims to be a relative of Samuel B. Gee, and asks the benefit of the testimony in that case.

By the Commission:

- Q Would you like to have your case considered under the application of Samuel B. Gee? A Yes sir.

The case of Samuel B. Gee, et al., M C R 2277, is here referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown hair, blue eyes, medium light complexion; has no knowledge of the Choctaw language, and no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

Emeline G Adams-----5

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 2nd day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 19 day of March, 1903.

Charles J. Haver

Notary Public.

#6806.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 2, 1903.

In the matter of the application of Minnie Adams Cook
for the identification of herself and her minor child, Virgil
Adams Cook, as Mississippi Choctaws.

E. S. Johnson, attorney for applicants.

Minnie Adams Cook being duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Minnie Adams Cook.
Q What is your age? A Twenty-six.
Q What is your post office address? A Durant, Indian Territory.
Q How long have you lived at Durant? A I come there the 14th of December last year.
Q 1902? A Yes sir.
Q Where did you live before you went to Durant? A West Texas.
Q How long in West Texas? A Two years.
Q Where before that? A Arkansas.
Q How long in Arkansas before you went to Texas? A I lived there about 24 years.
Q Were you born in Arkansas? A Yes sir.
Q Where in Arkansas did you live most of the time? A Hempstead County.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A W. H. Adams.
Q What is your mother's name? A Emeline G. Adams.
Q You claim your Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A One thirtysecond.
Q You claim she is one sixteenth Choctaw blood? A Yes sir.
Q She has made application to be identified as a Mississippi Choctaw today hasn't she? A Yes sir.

The case of the mother of this applicant, Emeline G. Adams, et al., M C R 6806, is here referred to.

- Q Is that the first application she has ever made for citizenship in the Choctaw Nation? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by any authority whatever up to the present time? A No sir.
Q Is your husband living? A Yes sir.
Q What is his race? A He's white.
Q What is his name? A W. C. Cook.
Q Do you make any claim for your husband? A No sir.
Q Have you one child? A Yes sir.
Q What is that child's name? A Virgil Adams Cook.
Q How old? A Four months old.
Q You claim for yourself and this child? A Yes sir.
Q Is your husband, W. C. Cook, the father of Virgil? A Yes sir.

Minnie Adams Cook-----2

- Q Are you and he living together as husband and wife and this child living with you at your home? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A NO sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities in the Indian Territory or the ~~Deas~~ Commission under the act of congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission now to identify yourself and your child as Mississippi Choctaw s? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir, I dont.

In 1830 a treaty was made between the United States government and the Choctaw Indians at Dancing Rabbit creek in the state of Mississippi; the date of this treaty was the 27th day of September of that year. The treaty was ratified on the 24th day of February, 1831. The object the government had in making this treaty was to get the consent of the Choctaw Indians to remove to the Choctaw Nation, Indian Territory from the old Choctaw Nation east of the Mississippi river. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who refused to remove article 14 was drafted and put into the treaty of 1830; that article was for the especial benefit of Mississippi Choctaw Indians, and is the article under which you make your claim today, and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

- Q Do you know if any of your Choctaw ancestors complied with that article? A No sir, I dont.
- Q What is the name of your ancestor that you claim your right to be identified through? A Cobb.
- Q Do you remember his full name? A Captain Cobb is all I know.
- Q What relation was he to you? A He was my great great grandfather.

Minnie Adams Cook-----3

- Q Your mother's great grandfather? A Yes sir.
Q How much Choctaw blood did he have? A One half.
Q You get your Choctaw descent from him do you? A Yes sir.
Q Can you give Captain Cobb's wife's name? A No sir, I don't know it.
Q She didn't have any Choctaw blood did she? A No sir.
Q You claim your Choctaw blood through your mother? A Yes sir.
Q And she claimed through which parent? A Through her mother.
Q What was her mother's name? A Rachel Grace Cobb.
Q And she claimed her Choctaw blood through which parent? A Her father.
Q What was his name? A Wilson Cobb I reckon.
Q Through whom did he claim his Choctaw blood? A Through his father, Captain Cobb.
Q Do you know whether any of your Choctaw ancestors lived in Mississippi in 1830 and had a family living there then? A Yes sir.
Q Who was that? A Captain Cobb.
Q How do you know he lived in Mississippi in 1830 and had a family there then? A I heard him say so.

By Mr Johnson, attorney for applicant:

- Q Did you hear him say so? A I didn't hear him, I heard mama.

By the Commission:

- Q You get your information through your mother? A Yes sir.
Q Emeline G. Adams? A Yes sir.
Q Did any of your Choctaw ancestors, Captain Cobb, or any others, live on land in the old Choctaw Nation there in Mississippi or Alabama for five years, and then receive a patent from the government for that land under article 14 of the treaty of 1830? A I don't know.
Q Did any of your Choctaw ancestors, Captain Cobb, or any others, go to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of the treaty of 1830? A I don't know.
Q Did any of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I don't know.
Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A I don't know.
Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A I don't know.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 at the expense of the government? A I can't answer that either.

In 1837 by an act of congress approved March 3rd of that year, and also in 1842 by an act of congress approved August 23rd of that year commissions were appointed which went to Mississippi and heard Choctaw Indians who claimed rights under article 14 of the treaty of 1830. These commissions were appointed by these various acts of congress because

Minnie Adams Cook-----4

these Indians complained that they had registered under article 14 of the treaty of 1830 within six months from the ratification of that treaty, or attempted to, but that Colonel Ward, the agent, had prevented or neglected to register them, and because of this conduct the government afterwards took their land from them which they were occupying in the old Choctaw Nation and sold it.

- Q Did you ever hear that any of your Choctaw ancestors went before either of these Commissions and claimed any benefits under article 14 of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I cant answer that.

This scrip or these certificates were issued under an act of congress approved August 23rd, 1842, and were given to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q What relation is Samuel P. Gee to you? A My uncle.
- Q He has been before the commission to be identified as a Mississippi Choctaw; do you want to have you case considered under his? A Yes sir.
- Q He claims through the same common ancestor, doesn't he? A Yes sir.

The case of Samuel P. Gee, et al., M C R 2277, is here referred to for the purpose of consolidation.

- Q Do you know what the other name of this Captain Cobb was? A Samuel Cobb, wasn't it?
- Q You have said Samuel, do you think it was Samuel? A I dont know.
- Q Did you ever hear that a man named Sam Cobb had a son named Wilson Cobb? A How is that?
- Q Have you heard about Wilson Cobb? A Yes sir.
- Q Did you ever hear that his father's name was Sam or Samuel? A I dont know; Captain Cobb is all I know.
- Q You have heard that Captain Cobb was his name? A Yes sir.

By Mr Johnson, attorney for applicant:

- Q It has been nearly 72 or 73 years ago,-- you said a while ago that Captain Cobb had a family in 1830; do you know anything about that? A No sir, I think mama said so.
- Q You dont know whether he had a family or hadn't any? A No sir.
- Q I will ask you now whether his name was Captain Cobb or Captain Samuel Cobb, or do you know? A No sir, I dont know.
- Q Did you ever hear anybody state? A No sir.
- Q No more than what you have heard from you mother? A Yes sir.

By the Commission: This applicant will be allowed time up to and inclusive of the 24th day of March, 1903, in which to introduce other evidence in support of this application if she desires to do so.

Minnie Adams Cook-----5

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 2nd day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 19 day of March, 1903.

Charles H. Lauer
Notary Public.

#6807.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 2, 1903.

In the matter of the application of Hattie Adams Ward
for the identification of herself as a Mississippi Choctaw.

B. S. Johnson, attorney for applicant.

Hattie Adams Ward being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Hattie Adams Ward.
Q What is your age? A Twenty-two.
Q What is your post office address? A Durant, Indian Territory.
Q How long have you lived in Durant? A Two months.
Q Where did you live before you went to Durant? A West Texas.
Q How long did you live in Texas? A Two years.
Q Before that where? A Arkansas.
Q Were you born in Arkansas? A Yes sir.
Q And always lived there until you went to Texas? A Yes sir.
Q Where in Arkansas did you live most of the time? A Hempstead County.
Q Is your father living? A Yes sir.
Q And mother? A Yes sir.
Q What is your father's name? A W. H. Adams.
Q What is your mother's name? A Emeline G. Adams.
Q You claim your Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A One thirtysecond.
Q You claim your mother is one sixteenth Choctaw blood? A YES sir.
Q She has made application to be identified as a Mississippi Choctaw today? A Yes sir.

The case of the application of the mother of this applicant, Emeline G. Adams, M C R 6805, is referred to in this connection.

- Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his race? A He's white.
Q What is his name? A T. W. Ward.
Q Do you make any claim for him? A No sir.
Q Have you any children? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Commission to

Hattie Adams Ward-----2

- the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission at this time to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.
- Q Do you know what a treaty is? A I dont know whether I can give a definition of it or not.
- Q Do you know what an article is? A I dont know what that is.
- Q There are different kinds of articles, I presume? A Yes sir, I reckon; I dont know.

In this sense an article is a paragraph or section or subdivision of a legal document called a treaty. A treaty is an instrument or compact in writing made between two or more nations. Just the same as individuals can make written contracts between each other, and by signing them are all bound to such written contracts or agreements, so nations may through their legal representatives become parties to legal agreements or compacts or treaties. In 1830 such a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty on the part of the government was the removal of the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before this treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, under the treaty; they would not be bound by it. In order therefore to make some provision for those Indians who preferred to stay back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. That article is the one under which you claim today. After that article was put into the treaty it was signed and on the 24th day of February, 1831, was ratified. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Mattie Adams Ward-----3

- Q That is article 14 of the treaty of 1830; do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir, I dont know.
- Q What is the name of your ancestor through whom you claim now? A Cobb.
- Q Just Cobb? A Captain Cobb.
- Q What was he captain of? A I dont know.
- Q Where did he get that title? A I dont know that.
- Q Was this an honorary title or a title given to him to show military distinction? A I dont know that.
- Q What relation was he to you? A My great great grandfather I guess.
- Q How much Choctaw blood did he have? A One half I think.
- Q Now, I want you go go back from your mother and give the lineal line of descent of your Choctaw ancestry; you claim through your mother, and she claims through whom? A Through her father, I mean her mother.
- Q She claims through her mother? A Yes sir.
- Q And her mother's name was what? A Rachel Grace Cobb.
- Q And she claimed through whom? A Her father.
- Q What was his name? A Wilson Cobb.
- Q Whom did he claim through? A His father.
- Q And his father's name was what? A Captain Cobb.
- Q Did he have any other name than Captain Cobb as far as you know? A No sir.
- Q Never heard his name was Sam or Samuel? A No sir.
- Q Did he live in Mississippi or Alabama in 1830 and have a family there then? A I dont know.
- Q Do you know how many children Wilson Cobb had at that time? A No sir.
- Q Did he have one child named Rachel Grace Cobb? A Yes sir.
- Q She married whom? A John H. Gee.
- Q Did Wilson Cobb have a son named Samuel B. Cobb? A I dont know.
- Q Did he have a son named Henry M. Cobb? A I dont know.
- Q Can you give the names of any of the children of Rachel Grace Cobb who married John H. Gee? A Sam, William, Ed, Samuel B. was it? A Yes sir.
- Q And Edwin T.? A Yes sir.
- Q Your mother has made application to be identified today, has she not, as a Mississippi Choctaw? A Yes sir.
- Q Is Minnie A. Cook your sister? A Yes sir.
- Q She has made application today? A Yes sir.
- Q Are you related to Samuel B. Gee? A Yes sir.
- Q What relation? A MY uncle.
- Q Do you want to have his case referred to and yours consolidated with his? A Yes sir.

The case of Samuel B. Gee, et al., M C R 2277, is here referred to for the purpose of consolidation.

- Q Did you ever hear that your great great grandfather, Captain Cobb, lived in Mississippi in 1830 and had a family there at that time? A I dont remember whether I ever did or not.
- Q Did you ever hear that he lived in Mississippi at any time? A I have heard that he lived in Mississippi; I dont know when.
- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian agent, Colonel Ward, and register or attempt to register under article 14 of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation either in Mississippi or Alabama for a period of five years after the treaty of 1830 was ratified, and then get a patent from

Hattie Adams Ward-----4

- the government for that land? A I dont know.
- Q Did any of them claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know that.
- Q Did any of them go with the other Indians between 1833 and 1838 or '40? A I dont know that either.
- Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830? A I dont know.

In 1837 by an act of Congress approved March 3rd of that year, a commission was appointed. The duties of this commission were to go to Mississippi and hear claimants under article 14 of the treaty of 1830 or the treaty of Dancing Rabbit creek. Also in 1842 by an act of congress approved August 23rd of that year another commission was appointed for the same purpose. The reason why these commissions were appointed was because of the complaints of Choctaw Indians who claimed that they had registered or attempted to register under article 14 of the treaty of 1830, but that Colonel William Ward, the United States Indian Agent, had refused to allow them to register, and because of his refusal the lands that these Indian had held in the old Choctaw Nation on which they had improvements were taken from them and sold by the government at its public land sales.

- Q Did you ever hear that any of your Choctaw ancestors went before either of these commissions and claimed any benefits under article 14 of that treaty? A No sir, I never heard.
- Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Do you understand or speak the Choctaw language? A No sir.

This applicant is allowed to and inclusive of the 24th day of March, 1903, for the introduction of other proof in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has blue eyes, fair complexion, brown hair; does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830/

W. P. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 2nd

Hattie Adams Ward-----5

day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Mortimer

Subscribed and sworn to before me this 19 day of March, 1903.

Charles H. Hansen

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications of Emeline G. Adams, et al., for identification as Mississippi Choctaws, consolidating the applications of

Emeline G. Adams, et al.,	M C R 6805
Minnie A. Cook, et al.,	M C R 6806
Hattie A. Ward, et al.,	M C R 6807

D E C I S I O N.

It appears from the record herein that applications for identification as Mississippi Choctaws were duly made to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, March 2, 1903, by Emeline G. Adams for herself and her minor child, Leroy Adams; by Minnie Adams Cook for herself and her minor child, Virgil Adams Cook; and by Hattie A. Ward for herself, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The applicants Minnie Adams Cook, Hattie Adams Ward and Leroy Adams are the children of the principal applicant, Emeline G. Adams, nee Gee, and the applicant Virgil Adams Cook is the minor child of the applicant Minnie Adams Cook. The principal applicant,

(2)

Emeline G. Adams, whose maiden name was Emeline G. Gee, is the daughter of John Hogan Gee and Rachel G. Gee, whose maiden name was Rachel G. Cobb.

It also appears from the evidence that the applicants herein claim their right to identification as Mississippi Choctaws by reason of being the descendants of one Captain Cobb, alleged to have been a one-half blood Choctaw Indian, the head of a family, and residing in the State of Mississippi in 1830.

The applicants in this consolidated case are the co-relatives of the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., in which a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes February 14, 1903, prior to the submission of the applications herein referred to.

At the hearing in these cases on March 2, 1903, the attorney appearing on behalf of the applicants asked that these applications be consolidated and considered with the record in the Mississippi Choctaw case of Samuel B. Gee, et al.

None of the applicants herein have ever been enrolled by the Choctaw tribal authorities as members of the Choctaw tribe, or admitted to citizenship in the Choctaw Nation by any duly constituted court or committee of said nation, by the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896 (29 Stats., 321), or by any decree of the United States Court in Indian Territory, or the Choctaw and Chickasaw Citizenship Court created by the provision of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Following the decision of the Commission to the Five Civilized Tribes of February 14, 1903, in the consolidated Mississippi

(3)

Choctaw case of Samuel B. Gee, et al., I am of the opinion that the applicants are not entitled to identification as Mississippi Choctaws, and that the applications submitted for the identification of Emeline G. Adams, Leroy Adams, Minnie Adams Cook, Virgil Adams Cook and Hattie Adams Ward as Mississippi Choctaws by reason of being the descendants of a beneficiary under the provisions of article 14 of the Choctaw treaty of 1830, should be refused, and it is so ordered.



COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JAN 25 1907

MCR-6805

(C Y

Muskogee, Indian Territory, January 25, 1907.

Emeline G. Adams,
Durant, Indian Territory.

Dear Madam:-

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 25, 1907, rendered a decision refusing to identify, as Mississippi Choctaws, the following named persons whose applications are included in the consolidated case of Emeline G. Adams et al:

Emeline G. Adams,
Leroy Adams,
Minnie Adams Cook,
Virgil Adams Cook,
Hattie Adams Ward.

The record in this case, together with the decision adverse to the applicants, has this date been forwarded to the Secretary of the Interior for review.

Respectfully,

Wm. B. B. B.

Registered.

Commissioner.

COPY

MCR-6806

Muskogee, Indian Territory, January 25, 1907.

Minnie A. Cook,

Durant, Indian Territory.

Dear Madam:-

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 25, 1907, rendered a decision refusing to identify, as Mississippi Choctaws, the following named persons whose applications are included in the consolidated case of Emeline G. Adams et al:

Emeline G. Adams,
Leroy Adams,
Minnie Adams Cook,
Virgil Adams Cook,
Hattie Adams Ward.

The record in this case, together with the decision adverse to the applicants, has this date been forwarded to the Secretary of the Interior for review.

Respectfully,

W. H. H. H.

Registered.

Commissioner.

MCR-6807

COPY

Muskogee, Indian Territory, January 25, 1907.

Hattie A. Ward,
Durant, Indian Territory.

Dear Madam:-

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 25, 1907, rendered a decision refusing to identify, as Mississippi Choctaws, the following named persons whose applications are included in the consolidated case of Emeline G. Adams et al:

Emeline G. Adams,
Leroy Adams,
Minnie Adams Cook,
Virgil Adams Cook,
Hattie Adams Ward.

The record in this case, together with the decision adverse to the applicants, has this date been forwarded to the Secretary of the Interior for review.

Respectfully,

James D. Smith

Registered.

Commissioner.

MCR-6805

Muskogee, Indian Territory, January 25, 1907.

B. S. Johnson,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 25, 1907, refusing to identify, as Mississippi Choctaws, the following named persons whose applications are included in the consolidated case of Emeline G. Adams et al:

Emeline G. Adams,
Leroy Adams,
Minnie Adams Cook,
Virgil Adams Cook,
Hattie Adams Ward.

The record in this case, together with the decision adverse to the applicants, has this date been forwarded to the Secretary of the Interior.

Respectfully,

Registered.

WLM.
Encl. 25/B

Commissioner.

MCR-6805

Muskogee, Indian Territory, January 25, 1907.

Mansfield, McMurray and Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, rendered January 25, 1907, refusing to identify, as Mississippi Choctaws, the following named persons whose applications are included in the consolidated case of Emeline G. Adams et al:

Emeline G. Adams,
Leroy Adams,
Minnie Adams Cook,
Virgil Adams Cook,
Hattie Adams Ward.

The record in this case, together with the decision adverse to the applicants, has this date been forwarded to the Secretary of the Interior.

Respectfully,

WLM.
Encl. 25/7

Commissioner.

Muskogee, Indian Territory, January 25, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record in the consolidated Mississippi Choctaw case of Emeline G. Adams, et al., consolidating the applications of

Emeline G. Adams, et al.,	M C R 6805,
Minnie A. Cook, et al.,	M C R 6806,
Hattie A. Ward,	M C R 6807,

together with my decision of January 25, 1907, adverse to the applicants, Emeline G. Adams, Leroy Adams, Minnie Adams Cook, Virgil Adams Cook and Hattie Adams Ward.

The claimants in this consolidated case are the co-relatives of the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., and claim their right to identification as Mississippi Choctaws from the same identical source.

A decision was rendered by the Commission to the Five Civilized Tribes in the Samuel B. Gee case adverse to the applicants February 14, 1903.

The claimants in the case herewith transmitted made application to the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws March 2, 1903, subsequent to the

(2)

transmission to the Department of the record in the Mississippi Choctaw case of Samuel B. Gee, et al.

Action upon the case herewith transmitted has heretofore been suspended by this office awaiting the decision of the Department in the Samuel B. Gee case, but the decision rendered on January 25, 1907, refusing the applicants, was based upon the decision of the Commission to the Five Civilized Tribes of February 14, 1903, in the Gee case.

Since the preparation and promulgation of the decision herewith transmitted, this officer is in receipt of Departmental telegram of January 25, 1907, as follows:

"Washington, D. C., January 25, 1907.
Commissioner to the Five Civilized Tribes,
Muskogee, I.T.

In conformity with approved opinion of Assistant Attorney-General in consolidated Mississippi Choctaw case of Samuel B. Gee, et al., Department affirms Commissioners decision of February 14, 1903, adverse to all applicants named therein. Letter follows.

Thos. Ryan,
First Assistant Secretary."

It is recommended that my decision of January 25, 1907, be affirmed in conformity with the opinion of the Assistant Attorney General for the Department of the Interior, in the Mississippi Choctaw case of Samuel B. Gee, et al.

Respectfully,

Signed *James S. Smith*
Commissioner.

Through the Commissioner
of Indian Affairs.
MAM 99

Land.
9682-1907

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 26, 1907.

(COPY)

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 25, 1907, enclosing the record in the consolidated Mississippi Choctaw case of Eueline G. Adams, et al., and consolidating the applications of

Eueline G. Adams, et al.,	M.C.R.	6805
Minnie A. Cook, et al.	M.C.R.	5806
Hattie A. Ward	M.C.R.	6807

together with the decision of the Commissioner, dated January 25, 1907, adverse to the applicants, Eueline G. Adams, Leroy Adams, Minnie Adams Cook, Virgil Adams Cook, and Hattie Adams Ward.

It appears that the applicants in this consolidated case are the relatives of the applicants in the consolidated Mississippi-Choctaw case of Samuel B. Gee, et al., and claim their right to identification as Mississippi Choctaws from the same source. A decision was rendered by the Commission to the Five Civilized Tribes in the Samuel B. Gee case adverse to the applicants on February 14, 1903.

The record shows that application was made for identification as Mississippi Choctaws on March 2, 1903, for the above named applicants, under the provisions of the Act of Congress

approved June 28, 1898 (30 Stat.L., 495), which gave authority to the Commission to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article 14 of the Treaty between the United States and the Choctaw Nation concluded September 27, 1830.

The applicants, Minnie Adams Cook, Hattie Adams Ward, and Leroy Adams, are the children of the principal applicant, Emeline G. Adams, nee Gee, and the minor applicant, Virgil Adams Cook, is the child of Minnie Adams Cook.

It also appears from the evidence that the applicants claim their right to identification as Mississippi Choctaws by reason of being descendants of one Captain Cobb, alleged to have been a half-blood Choctaw Indian, the head of a family, and residing in the State of Mississippi in 1830. The applicants in this case are co-relatives of the applicants in the consolidated Mississippi-Choctaw case of Samuel B. Gee, et al., in which case a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes February 4, 1903, which was affirmed by the Department January 25, 1907, in conformity with the approved opinion of the Assistant Attorney-General.

Since the applicants in this case are of the same family as in the case of Samuel B. Gee, and trace their ancestry from the same source, the Office is of the opinion that the decision of the Commissioner to the Five Civilized Tribes, dated January 25, 1907, refusing the applications for identification as

Mississippi-Chocataws of Emeline G. Adams, Lero. Adams, Winnie Adams Cook, Virgil Adams Cook, and Hattie Adams Ward, is correct, in view of the decision of the Department in conformity with the approved opinion of the Assistant Attorney-General in the consolidated Mississippi-Chocotaw case of Samuel B. Gee, et al., and it is recommended that the decision be affirmed.

Very respectfully,

BWR--SD

C.F. Larrabee

Acting Commissioner.

-Copy-

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9682-1907

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 25, 1907, enclosing the record in the consolidated Mississippi Choctaw case of Emeline G. Adams, et al., and consolidating the applications of

Emeline G. Adams, et al.,	M.C.R.	6805
Minnie A. Cook, et al.,	M.C.R.	6806
Hattie A. Ward,	M.C.R.	6807

together with the decision of the Commissioner, dated January 25, 1907, adverse to the applicants, Emeline G. Adams, Leroy Adams, Minnie Adams Cook, Virgil Adams Cook, and Hattie Adams Ward.

It appears that the applicants in this consolidated case are the relatives of the applicants in the consolidated Mississippi-Choctaw case of Samuel B. Gee, et al., and claim their right to identification as Mississippi Choctaws from the same source. A decision was rendered by the Commission to the Five Civilized Tribes in the Samuel B. Gee case adverse to the applicants on February 14, 1903.

The record shows that application was made for identification as Mississippi Choctaws on March 2, 1903, for the above named applicants, under the provisions of the Act of Congress

approved June 28, 1898 (30 Stat.L., 495), which gave authority to the Commission to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article 14 of the Treaty between the United States and the Choctaw Nation concluded September 27, 1830.

The applicants, Minnie Adams Cook, Hattie Adams Ward, and Leroy Adams, are the children of the principal applicant, Emeline G. Adams, nee Gee, and the minor applicant, Virgil Adams Cook, is the child of Minnie Adams Cook.

It also appears from the evidence that the applicants claim their right to identification as Mississippi Choctaws by reason of being descendents of one Captain Cobb, alleged to have been a half-blood Choctaw Indian, the head of a family, and residing in the State of Mississippi in 1830. The applicants in this case are co-relatives of the applicants in the consolidated Mississippi-Choctaw case of Samuel B. Gee, et al., in which case a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes February 4, 1903, which was affirmed by the Department January 25, 1907, inconformity with the approved opinion of the Assistant Attorney General.

Since the applicants in this case are of the same family as in the case of Samuel B. Gee, and trace their ancestry from the same source, the Office is of the opinion that the decision of the Commissioner to the Five Civilized Tribes, dated January 25, 1907, refusing the applications for identification as

Mississippi-Choctaws of Emeline G. Adams, Leroy Adams, Minnie Adams Cook, Virgil Adams Cook, and Hattie Adams Ward, is correct, in view of the decision of the Department in conformity with the approved opinion of the Assistant Attorney-General in the consolidated Mississippi-Choctaw case of Samuel B. Gee, et al., and it is recommended that the decision be affirmed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EWE--SD

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.P.
THE.

DC-12435-1907

I.T.D. 4974, 4980, 4988, 4998, 5006-07.

5016, 5084, 5182, 5198, 5478- "

5518, 5534, 5536, 5538, 5542- "

5544, 5552, - "

March 1, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,
Wuskogee, Indian Territory.

Sir:

Your decisions in the following Choctaw enrollment cases
adverse to the applicants are hereby affirmed, viz:

Title of case.	Date of your letter of transmittal.
Dora Anderson (or Troube)	February 9, 1907
Mattie Evans, et al.,	January 16, 1907
Marvin R. Stanphill and Ada W. Stanphill	January 9, 1907
Eula Gladys Beach,	January 16, 1907
John Keaton, et al.,	January 18, 1907
Okla Vivian Bolling,	December 1, 1906
Edward Naifeh,	December 1, 1906
Robert Lee Nolan, et al., (Freedmen)	February 9, 1907
Harvey Stover and Hazel Stover,	January 8, 1907
Mary Hansen, (Freedman)	January 10, 1907
Frank Rynum,	January 28, 1907
Ira T. Brown,	January 10, 1907
Richard Colbert, (Freedman)	February 9, 1907
Mattie Alice and Wm. Robert Strickland,	January 4, 1907
Monty Sangers,	December 1, 1906
Emeline G. Adams, et al., (Miss. Choct.)	January 25, 1907
Jeane Bollinger, et al.,	December 24, 1906

Copies of Indian Office letters submitting your reports and
recommending that the decisions be affirmed, are inclosed.

-2-

A copy hereof and all the papers in the above mentioned cases have been sent to the Indian Office.

Respectfully,

Jesse R. Wilson,

Assistant Secretary.

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5-1-07

MCR-6805

Muskogee, Indian Territory, March 16, 1907.

Emeline G. Adams,

Durant, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 1, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes of January 25, 1907, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Emeline G. Adams et al.

Respectfully,

Commissioner.

MCR-6805

Muskogee, Indian Territory, March 16, 1907.

B. S. Johnson,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on March 1, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes of January 28, 1907, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Emeline G. Adams et al.

Respectfully,

Commissioner.

MCH-6806

Muskogee, Indian Territory, March 16, 1907.

Mansfield, McMurray and Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that the Secretary of the Interior, on March 1, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes of January 25, 1907, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Emeline G. Adams et al.

Respectfully,

Commissioner.

6805

No.

6805

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

1882

Name Emeline G. Adams.

Age 46.

Blood 1/16

Post Office, Durant, I. T.

Father: John H. Gee. d.

Mother: Rachel G. Gee d.

Claims through mother. 1/8

Husband.

W. H. Adams. l. w.

No claim for husband.

Children:

Leroy Adams, 18

Claims for self
and one child

Stenographer W. H. Martin

RECEIVED
FOR INFORMATION AND
ACTION
Emeline G. Adams et al

COPIES OF ORDER FORWARD
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

ALL INFORMATION FORWARDED DEPARTMENT

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR - 1 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS MAR 1 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

MAY 16 1907

Choctaw MCR 6806

Minnie A. Cook

MCR 6806

#6806.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 2, 1903.

In the matter of the application of Minnie Adams Cook
for the identification of herself and her minor child, Virgil
Adams Cook, as Mississippi Choctaws.

B. S. Johnson, attorney for applicants.

Minnie Adams Cook being duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Minnie Adams Cook.
Q What is your age? A Twenty-six.
Q What is your post office address? A Durant, Indian Territory.
Q How long have you lived at Durant? A I came there the 14th of December last year.
Q 1902? A Yes sir.
Q Where did you live before you went to Durant? A West Texas.
Q How long in West Texas? A Two years.
Q Where before that? A Arkansas.
Q How long in Arkansas before you went to Texas? A I lived there about 24 years.
Q Were you born in Arkansas? A Yes sir.
Q Where in Arkansas did you live most of the time? A Hempstead County.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A W. H. Adams.
Q What is your mother's name? A Emeline G. Adams.
Q You claim your Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A One thirtysecond.
Q You claim she is one sixteenth Choctaw blood? A Yes sir.
Q She has made application to be identified as a Mississippi Choctaw today hasn't she? A Yes sir.

The case of the mother of this applicant, Emeline G. Adams, et al., K C R 6805, is here referred to.

- Q Is that the first application she has ever made for citizenship in the Choctaw Nation? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by any authority whatever up to the present time? A No sir.
Q Is your husband living? A Yes sir.
Q What is his race? A He's white.
Q What is his name? A W. C. Cook.
Q Do you make any claim for your husband? A No sir.
Q Have you one child? A Yes sir.
Q What is that child's name? A Virgil Adams Cook.
Q How old? A Four months old.
Q You claim for yourself and this child? A Yes sir.
Q Is your husband, W. C. Cook, the father of Virgil? A Yes sir.

Minnie Adams Cook-----2

- Q Are you and he living together as husband and wife and this child living with you at your home? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities in the Indian Territory or the Dawes Commission under the act of congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission now to identify yourself and your child as Mississippi Choctaw s? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir, I dont.

In 1830 a treaty was made between the United States government and the Choctaw Indians at Dancing Rabbit creek in the state of Mississippi; the date of this treaty was the 27th day of September of that year. The treaty was ratified on the 24th day of February, 1831. The object the government had in making this treaty was to get the consent of the Choctaw Indians to remove to the Choctaw Nation, Indian Territory from the old Choctaw Nation east of the Mississippi river. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who refused to remove article 14 was drafted and put into the treaty of 1830; that article was for the especial benefit of Mississippi Choctaw Indians, and is the article under which you make your claim today, and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw Annuity."

- Q Do you know if any of your Choctaw ancestors complied with that article? A No sir, I dont.
- Q What is the name of your ancestor that you claim your right to be identified through? A Cobb.
- Q Do you remember his full name? A Captain Cobb is all I know.
- Q What relation was he to you? A He was my great great grandfather.

Minnie Adams Cook-----3

- Q Your mother's great grandfather? A Yes sir.
Q How much Choctaw blood did he have? A One half.
Q You get your Choctaw descent from him do you? A Yes sir.
Q Can you give Captain Cobb's wife's name? A No sir, I don't know it.
Q She didn't have any Choctaw blood did she? A No sir.
Q You claim your Choctaw blood through your mother? A Yes sir.
Q And she claimed through which parent? A Through her mother.
Q What was her mother's name? A Rachel Grace Cobb.
Q And she claimed her Choctaw blood through which parent? A Her father.
Q What was his name? A Wilson Cobb I reckon.
Q Through whom did he claim his Choctaw blood? A Through his father, Captain Cobb.
Q Do you know whether any of your Choctaw ancestors lived in Mississippi in 1830 and had a family living there then? A Yes sir.
Q Who was that? A Captain Cobb.
Q How do you know he lived in Mississippi in 1830 and had a family there then? A I heard him say so.

By Mr Johnson, attorney for applicant:

- Q Did you hear him say so? A I didn't hear him, I heard mama.

By the Commission:

- Q You get your information through your mother? A Yes sir.
Q Emeline G. Adams? A Yes sir.
Q Did any of your Choctaw ancestors, Captain Cobb, or any others, live on land in the old Choctaw Nation there in Mississippi or Alabama for five years, and then receive a patent from the government for that land under article 14 of the treaty of 1830? A I don't know.
Q Did any of your Choctaw ancestors, Captain Cobb, or any others, go to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of the treaty of 1830? A I don't know.
Q Did any of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I don't know.
Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent home in the Choctaw Nation, Indian Territory? A I don't know.
Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A I don't know.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 at the expense of the government? A I can't answer that either.

In 1837 by an act of congress approved March 3rd of that year, and also in 1842 by an act of congress approved August 23rd of that year commissions were appointed which went to Mississippi and heard Choctaw Indians who claimed rights under article 14 of the treaty of 1830. These commissions were appointed by these various acts of congress because

Minnie Adams Cook-----4

these Indians complained that they had registered under article 14 of the treaty of 1830 within six months from the ratification of that treaty, or attempted to, but that Colonel Ward, the agent, had prevented or neglected to register them, and because of this conduct the government afterwards took their land from them which they were occupying in the old Choctaw Nation and sold it.

- Q Did you ever hear that any of your Choctaw ancestors went before either of these Commissions and claimed any benefits under article 14 of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I cant answer that.

This scrip or these certificates were issued under an act of congress approved August 23rd, 1842, and were given to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q What relation is Samuel E. Gee to you? A My uncle.
- Q He has been before the commission to be identified as a Mississippi Choctaw; do you want to have you case considered under his? A Yes sir.
- Q He claims through the same common ancestor, doesn't he? A Yes sir.

The case of Samuel E. Gee, et al., M C K 2277, is here referred to for the purpose of consolidation.

- Q Do you know what the other name of this Captain Cobb was? A Samuel Cobb, wasn't it?
- Q You have said Samuel, do you think it was Samuel? A I dont know.
- Q Did you ever hear that a man named Sam Cobb had a son named Wilson Cobb? A How is that?
- Q Have you heard about Wilson Cobb? A Yes sir.
- Q Did you ever hear that his father's name was Sam or Samuel? A I dont know; Captain Cobb is all I know.
- Q You have heard that Captain Cobb was his name? A Yes sir.
- By Mr Johnson, attorney for applicant:
- Q It has been nearly 72 or 73 years ago,-- you said a while ago that Captain Cobb had a family in 1830; do you know anything about that? A No sir, I think mama said so.
- Q You dont know whether he had a family or hadn't any? A No sir.
- Q I will ask you now whether his name was Captain Cobb or Captain Samuel Cobb, or do you know? A No sir, I dont know.
- Q Did you ever hear anybody state? A No sir.
- Q No more that what you have heard from you mother? A Yes sir.

By the Commission: This applicant will be allowed time up to and inclusive of the 24th day of March, 1903, in which to introduce other evidence in support of this application if she desires to do so.

Minnie Adams Cook-----5

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, I. T., on the 2nd day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 19 day of March, 1903.

Charles H. Lawrence

Notary Public.

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications of Emeline G. Adams, et al., for identification as Mississippi Choctaws, consolidating the applications of

Emeline G. Adams, et al.,	M C R 6805
Minnie A. Cook, et al.,	M C R 6806
Hattie A. Ward, et al.,	M C R 6807

D E C I S I O N.

It appears from the record herein that applications for identification as Mississippi Choctaws were duly made to the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, March 2, 1903, by Emeline G. Adams for herself and her minor child, Leroy Adams; by Minnie Adams Cook for herself and her minor child, Virgil Adams Cook; and by Hattie A. Ward for herself, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The applicants Minnie Adams Cook, Hattie Adams Ward and Leroy Adams are the children of the principal applicant, Emeline G. Adams, nee Gee, and the applicant Virgil Adams Cook is the minor child of the applicant Minnie Adams Cook. The principal applicant,

(2)

Emeline G. Adams, whose maiden name was Emeline G. Gee, is the daughter of John Hogan Gee and Rachel G. Gee, whose maiden name was Rachel G. Cobb.

It also appears from the evidence that the applicants herein claim their right to identification as Mississippi Choctaws by reason of being the descendants of one Captain Cobb, alleged to have been a one-half blood Choctaw Indian, the head of a family, and residing in the State of Mississippi in 1830.

The applicants in this consolidated case are the co-relatives of the applicants in the consolidated Mississippi Choctaw case of Samuel B. Gee, et al., in which a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes February 14, 1903, prior to the submission of the applications herein referred to.

At the hearing in these cases on March 2, 1903, the attorney appearing on behalf of the applicants asked that these applications be consolidated and considered with the record in the Mississippi Choctaw case of Samuel B. Gee, et al.

None of the applicants herein have ever been enrolled by the Choctaw tribal authorities as members of the Choctaw tribe, or admitted to citizenship in the Choctaw Nation by any duly constituted court or committee of said nation, by the Commission to the Five Civilized Tribes under the Act of Congress approved June 10, 1896 (29 Stats., 321), or by any decree of the United States Court in Indian Territory, or the Choctaw and Chickasaw Citizenship Court created by the provision of the Act of Congress approved July 1, 1902 (32 Stats., 641).

Following the decision of the Commission to the Five Civilized Tribes of February 14, 1903, in the consolidated Mississippi

(3)

Choctaw case of Samuel B. Gee, et al., I am of the opinion that the applicants are not entitled to identification as Mississippi Choctaws, and that the applications submitted for the identification of Emeline G. Adams, Leroy Adams, Minnie Adams Cook, Virgil Adams Cook and Hattie Adams Ward as Mississippi Choctaws by reason of being the descendants of a beneficiary under the provisions of article 14 of the Choctaw treaty of 1830, should be refused, and it is so ordered.

SIGNED *Tams R. Dr.*

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JAN 25 1907.

MCR-6806

Muskogee, Indian Territory, March 16, 1907.

Minnie A. Cook,

Durant, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 1, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes of January 26, 1907, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Emeline G. Adams et al.

Respectfully,

Commissioner.

REFER TO M. C. R. 6805

MOTHER'S TRIBAL ENROLLMENT

DISTRICT

No.

MOTHER'S OWNER

REMARKS

DATA
Roll No.

Emeline G. Adams, et al

Consolidated Case

*Supplement to
MCK 2277*

Captain Cobb, 1/2
wife
(white woman),

Wilson Cobb,

Rachel Grace Cobb, 1/17

married

John Hogan Gee II.

Emeline G. Gee, 46. 1/18

married

W. H. Adams, w. L.

Minnie Adams, 26. 1/32

married

W. C. Cook, w. L.

Virgil Adams Cook, 4. no

Hattie Adams, 22. 1/32

married

T. M. Ward, w. L.

Leroy Adams, 15.

James Adams Cook + 6806

Amelia T. Adams ^{Richelieu} ~~Adams~~ Cobb { Adams Cobb { ^{Captain} Samuel Cobb.
or
Same

Wm. Adams Cook

7110 18605

6806

6807

Record of the Commission to the Five
Civilized Tribes one copy of the testimony
of Elnora G. Adams, Minnie R. Clark
and Hattie C. Ward, applicants for
identification as Miss. Adams

M. R. & Tompkins

Muskogee, L. T.
August 24, 1903.

attys for claimants
Pawnee, Kansas

Amelia G. Adams + 6805

Rachel H. Cobb { Nelson Cobb { ¹⁸⁰⁰ Captain Cobb

Leroy Adams } child

6806

No.

6806.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

COR

1906

Name Minnie A. Cook.

Age 26 - Blood 1/32

Post Office, Oklaunt, I. T. -

Father: W. H. Adams. . . l.

Mother: Emeline G. . . l.

Claims through mother 1/16

Husband -

W. C. Cook. . . l. w

No claim for husband

Children:

Virgil A. Cook, 4 mClaims for self &
one child -

Stenographer

W. H. Martin.

FOR IDENTIFICATION
A MISSISSIPPI CHOCTAW

Minnie A. Cook et al

DECISION RENDERED

JAN 10 1907

NOTICE OF DECISION MAILED APPLICANT

JAN 10 1907

COPY OF DECISION FURNISHED
ATTORNEYS FOR CHOCTAW AND

JAN 10 1907

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

JAN 10 1907

FILED IN FORWARDED DEPARTMENT.

JAN 10 1907

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR - 1 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

W.F.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

Choctaw MCR 6807

Hattie A. Ward

MCR 6807

#6807.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 2, 1903.

In the matter of the application of Hattie Adams Ward
for the identification of herself as a Mississippi Choctaw.

W. S. Johnson, attorney for applicant.

Hattie Adams Ward being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Hattie Adams Ward.
Q What is your age? A Twenty-two.
Q What is your post office address? A Durant, Indian Territory.
Q How long have you lived in Durant? A Two months.
Q Where did you live before you went to Durant? A West Texas.
Q How long did you live in Texas? A Two years.
Q Before that where? A Arkansas.
Q Were you born in Arkansas? A Yes sir.
Q And always lived there until you went to Texas? A Yes sir.
Q Where in Arkansas did you live most of the time? A Hempstead County.
Q Is your father living? A Yes sir.
Q And mother? A Yes sir.
Q What is your father's name? A W. H. Adams.
Q What is your mother's name? A Emeline G. Adams.
Q You claim your Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A One thirtysecond.
Q You claim your mother is one sixteenth Choctaw blood? A Yes sir.
Q She has made application to be identified as a Mississippi Choctaw today? A Yes sir.

The case of the application of the mother of this applicant, Emeline G. Adams, W C R 6805, is referred to in this connection.

- Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his race? A He's white.
Q What is his name? A T. W. Ward.
Q Do you make any claim for him? A No sir.
Q Have you any children? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Commission to

Hattie Adams Ward-----2

- the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission at this time to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.
- Q Do you know what a treaty is? A I dont know whether I can give a definition of it or not.
- Q Do you know what an article is? A I dont know what that is.
- Q There are different kinds of articles, I presume? A Yes sir, I reckon; I dont know.

In this sense an article is a paragraph or section or subdivision of a legal document called a treaty. A treaty is an instrument or compact in writing made between two or more nations. Just the same as individuals can make written contracts between each other, and by signing them are all bound to such written contracts or agreements, so nations may through their legal representatives become parties to legal agreements or compacts or treaties. In 1830 such a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty on the part of the government was the removal of the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before this treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, under the treaty; they would not be bound by it. In order therefore to make some provision for those Indians who preferred to stay back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. That article is the one under which you claim today. After that article was put into the treaty it was signed and on the 24th day of February, 1831, was ratified. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article 14 of the treaty of 1830; do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir, I dont know.
- Q What is the name of your ancestor through whom you claim now? A Cobb.
- Q Just Cobb? A Captain Cobb.
- Q What was he captain of? A I dont know.
- Q Where did he get that title? A I dont know that.
- Q Was this an honorary title or a title given to him to show military distinction? A I dont know that.
- Q What relation was he to you? A Vy great great grandfather I guess.
- Q How much Choctaw blood did he have? A One half I think.
- Q Now, I want you go go back from your mother and give the lineal line of descent of your Choctaw ancestry; you claim through your mother, and she claims through whom? A Through her father, I mean her mother.
- Q She claims through her mother? A Yes sir.
- Q And her mother's name was what? A Rachel Grace Cobb.
- Q And she claimed through whom? A Her father.
- Q What was his name? A Wilson Cobb.
- Q Whom did he claim through? A His father.
- Q And h's father's name was what? A Captain Cobb.
- Q Did he have any other name than Captain Cobb as far as you know? A No sir.
- Q Never heard his name was Sam or Samuel? A No sir.
- Q Did he live in Mississippi or Alabama in 1830 and have a family there then? A I dont know.
- Q Do you know how many children Wilson Cobb had at that time? A No sir.
- Q Did he have one child named Rachel Grace Cobb? A Yes sir.
- Q She married whom? A John H. Gee.
- Q Did Wilson Cobb have a son named Samuel B. Cobb? A I dont know.
- Q Did he have a son named Henry M. Cobb? A I dont know.
- Q Can you give the names of any of the children of Rachel Grace Cobb who married John H. Gee? A Sam, William, Ed,
- Q Samuel B. was it? A Yes sir.
- Q And Edwin T.? A Yes sir.
- Q Your mother has made application to be identified today, has she not, as a Mississippi Choctaw? A Yes sir.
- Q Is Winnie A. Cook your sister? A Yes sir.
- Q She has made application today? A Yes sir.
- Q Are you related to Samuel B. Gee? A Yes sir.
- Q What relation? A MY uncle.
- Q Do you want to have his case referred to and yours consolidated with his? A Yes sir.

The case of Samuel B. Gee, et al., M C R 2277, is here referred to for the purpose of consolidation.

- Q Did you ever hear that your great great grandfather, Captain Cobb, lived in Mississippi in 1830 and had a family there at that time? A I dont remember whether I ever did or not.
- Q Did you ever hear that he lived in Mississippi at any time? A I have heard that he lived in Mississippi; I dont know when.
- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian agent, Colonel Ward, and register or attempt to register under article 14 of the treaty of 1830? A I dont know.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation either in Mississippi or Alabama for a period of five years after the treaty of 1830 was ratified, and then get a patent from

Hattie Adams Ward-----4

the government for that land? A I dont know.

Did any of them claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A I dont know.

Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know that.

Q Did any of them go with the other Indians between 1833 and 1838 or '40? A I dont know that either.

Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830? A I dont know.

In 1837 by an act of Congress approved March 3rd of that year, a commission was appointed. The duties of this commission were to go to Mississippi and hear claimants under article 14 of the treaty of 1830 or the treaty of Dancing Rabbit creek. Also in 1842 by an act of congress approved August 23rd of that year another commission was appointed for the same purpose. The reason why these commissions were appointed was because of the complaints of Choctaw Indians who claimed that they had registered or attempted to register under article 14 of the treaty of 1830, but that Colonel William Ward, the United States Indian Agent, had refused to allow them to register, and because of his refusal the lands that these Indian had held in the old Choctaw Nation on which they had improvements were taken from them and sold by the government at its public land sales.

Q Did you ever hear that any of your Choctaw ancestors went before either of these commissions and claimed any benefits under article 14 of that treaty? A No sir, I never heard.

Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

Q Do you underst and or speak the Choctaw language? A No sir.

This applicant is allowed to and inclusive of the 24th day of March, 1903, for the introduction of other proof in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has blue eyes, fair complexion, brown hair; does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830/

7. F. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 2nd

Hattie Adams Ward-----5

day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Motion

Subscribed and sworn to before me this 19 day of March, 1903.

Charles K. Sawyer

Notary Public.

REFER IN REPLY TO THE FOLLOWING:

MCR-6807

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 25, 1907.

Hattie A. Ward,
Durant, Indian Territory.

Dear Madam:-

You are hereby notified that the Commissioner to the Five Civilized Tribes, on January 25, 1907, rendered a decision refusing to identify, as Mississippi Choctaws, the following named persons whose applications are included in the consolidated case of Emeline G. Adams et al:

Emeline G. Adams,
Leroy Adams,
Minnie Adams Cook,
Virgil Adams Cook,
Hattie Adams Ward.

The record in this case, together with the decision adverse to the applicants, has this date been forwarded to the Secretary of the Interior for review.

Respectfully,

Registered.

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

MCR-6807

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 16, 1907.

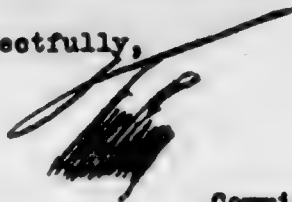
Hattie A. Ward,

Durant, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 1, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes of January 25, 1907, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Emeline G. Adams et al.

Respectfully,



Commissioner.

REFER IN REPLY TO THE FOLLOWING:

MCR-6807

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 16, 1907.

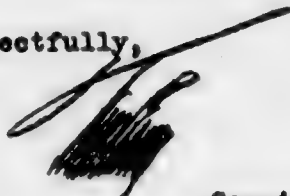
Hattie A. Ward,

Durant, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on March 1, 1907, affirmed the decision of the Commissioner to the Five Civilized Tribes of January 25, 1907, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Emeline G. Adams et al.

Respectfully,



Commissioner.

857

No.

6807

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

FOR

Name *Wattie A. Ward*

Age *22.*

Blood *1/32*

Post Office, *Durant, I.T.*

Father: *W. H. Adams.*

C.

Mother: *Emeline G. ..*

C.

Claims through *mother, 1/16*

Husband

J. M. Ward — C.W.

No claim for husband

~~Children:~~

Claims for self

Stenographer *W. H. Mason*

111-11

111-11



DEPARTMENT OF
Commissioner of the State

FILED

APR 18 1907

A large, stylized handwritten signature or scribble.

Commissioner,

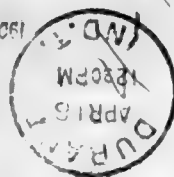
Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



6807



Hattie A. Ward,

Durant, Indian Territory.

FILED

1997

Commissioner.



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Hattie A. Ward,

Durant, Indian Territory.

2d Notice
2/10

FOR IDENTIFICATION AB 8.680
A MISSISSIPPI CHOCTAW

Hattie A. Ward.

DECISION FILED
JAN 15 1907

NOTICE OF DECISION MAILED APPLICANT.

JAN 25 1907

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT

JAN 25 1907

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

JAN 25 1907

RECORD FORWARDED DEPARTMENT.

JAN 25 1907

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR - 1 1907

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

Chbetaw MCR, 6808

John B. Staphens

MCR 6808

#6808.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 3, 1903.

In the matter of the application of John B. Stephens for
the identification of himself as a Mississippi Choctaw.

John B. Stephens being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A John B. Stephens.
Q What is your age? A Thirty-three.
Q What is your post office address? A Mount Pleasant, Texas.
Q How long have you lived there? A I have lived there all my life.
Q You were born in Texas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A John Stephens.
Q What is your mother's name? A Sarah Jane Stephens.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much do you claim? A Well, I dont know how to figure it; my
great grandmother was a half breed.
Q Her descendant would be one half of that, which would be one
quarter, and your mother would be one half of that which would be
one eighth, and you would be one half of that which would be one
sixteenth? A Yes sir.
Q You claim one sixteenth then? A Yes sir.
Q You claim your mother is one eighth Choctaw blood? A Yes sir.
Q What is the name of your ancestor through whom you claim your
Choctaw blood? A Susana Miller.
Q How do you spell that? A S-u-s-a-n-a Miller.
Q She was your great grandmother? A Yes sir, she was a Stewart, and
after he died she married a Miller.
Q What was her maiden name? A Arthur.
Q And then she married whom? Stewart.
Q What was his full name? A Charles S. Stewart I think.
Q And she married whom after he died? A Thomas Miller.
Q And she was your great grandmother? A Yes sir.
Q Thomas Miller was a white man? A Yes sir.
Q And she was one half Choctaw Indian? A Yes sir, thats what I
have always been taught.
Q Has your mother ever been recognized or enrolled as a Choctaw In-
dian by either the Choctaw tribal authorities or the United States
authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Is she an Indian, or what is her race? A She's a white woman.
Q What is her name? A Nannie Stephens.
Q You dont make any claim for her then? A No sir.
Q Have you any children? A No children.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in
the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation
to the Choctaw tribal authorities in the Indian Territory? A No
sir.
Q Have you ever made any such application to the Commission to the
Five Civilized Tribes under the act of Congress of June 10, 1900?
A No sir.

John B Stephens-----2

- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A NO sir.
- Q Do you come before the Commission at this time to identify yourself as a Mississippi Choctaw, claiming under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Well, I dont know whether I do or not; I have read it.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of the year 1830. The object of the treaty on the part of the government was to remove the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who stayed back there in that Choctaw Nation article 14 was drafted and put into the treaty of 1830. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A I think not.
- Q What is the name of your ancestor through whom you claim now? A Susana Miller.
- Q How do you spell that first name, Susana? A S-u-s-a-n-a.
- Q Do you want to introduce this certificate or affidavit signed by Cornelia A. Smith and Martha Stewart? A Yes sir.

Joint statement of Cornelia A. Smith and Martha Stewart is presented by applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

- Q That name is spelled S-u-s-a-n-a in this instrument; do you want to change it and spell it in that way? A Yes sir.
- Q Then you want it spelled S-u-s-a-n-a? A Yes sir, I guess thats the correct way to spell it.
- Q Have you any other papers that you want to file now besides this? A No sir.
- Q Did Susanna Miller who married Thomas Miller live in Mississippi or

John B Stephens-----3

- Alabama in 1830 and have a family there at that time? A Yes sir.
- Q Do you know who were members of her family then? A No, I dont know; Charles S. Stewart was there; then she had some small children, the Miller heirs, but I dont know their names.
- Q Did she, or any other Choctaw ancestor of yours, within six months after the treaty of 1830 was ratified go to Colonel Ward, the United States Indian agent, at his agency in Mississippi, and register or attempt to register under article 14 of the treaty of 1830? A No, I dont know anything about it only what I have heard.
- Q Have you heard that? A I have heard she attempted to, yes sir.
- Q Through whom did you hear that? A I have heard it through my mother.
- Q Has your mother been before this Commission to be identified as a Mississippi Choctaw? A No sir.
- Q How old is your mother? A I think my mother is 62 years old if I remember correctly.
- Q Where was she born? A I declare I dont know.
- Q Do you know what state? A I dont know whether she was born before she came to Texas or afterwards; it seems to me she was born in Mississippi.
- Q You are not positive where? A No, I am not positive.
- Q She claimed through her father or mother? A Her father.
- Q His name was what? A Charles S. Stewart.
- Q And he claimed through whom? A Susanna Miller, his mother.
- Q And Susanna Miller had a former husband named Stewart? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors lived on land in the old Choctaw Nation either in Mississippi or Alabama for five years after the treaty of 1830 was ratified and at the end of that time get a patent from the government for that land under article 14 of the treaty of 1830? A I have understood they did not.
- Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A Now, I dont know.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir, not that I know of.
- Q You never heard that any of them went between 1833 and 1838 at the expense of the government? A No sir.
- Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A I dont know.

In 1837 by an act of Congress approved March 3rd of that year, and also in 1842 by an act of Congress approved August 23rd of that year, commissions were appointed which went to Mississippi and heard claimants under article 14 of the treaty of 1830. The reason why these commissions were appointed was because of the complaints of Choctaw Indians who stated that they had registered or attempted to register under article 14 of the treaty of 1830 within six months from the ratification of that treaty, but that Colonel William Ward, the United States Indian agent, had refused these Choctaw Indians the privilege of registering under article 14 of that treaty or had neglected to register them, and because of his refusal or neglect these Indians lost the land which they had occupied in the old Choctaw Nation; it was taken from them by the government and sold at its public land sales. This caused so many complaints that in 1837 and also in 1842 these two commissions were appointed to hear these complaints.

John B Stephens-----4

- Q Did any of your Choctawancestors go before either of these two commissions and claim any benefits under article 14 of the treaty of 1830? A I dont know.
- Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to those Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Would you like a little time in which to introduce other evidence in this case; you can be allowed time until the 24th day of March of this year if you care to take it; perhaps you had better take that time, and notify your attorney of your appearance here, and that you have been allowed this time? A Yes sir, I would like it.

This applicant is allowed time to and including the 24th day of March, 1903, in which to introduce other proof in this case if he desires to do so.

- Q What relation is Cornelia A. Smith to you? A My aunt.
- Q She has made application to be identified as a Mississippi Choctaw; do you want to have you case considered under hers? A Yes sir.

The case of Cornelia A. Smith, M C R 6642, is here referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has dark brown hair, nearly black, blue eyes, ruddy complexion. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 3rd day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 14 day of March, 1903.

Charles H. Sawyer
Notary Public.

COPY.

M.C.R.6808

Muskogee, Indian Territory, March 14, 1904.

John B. Stephens,

Mount Pleasant, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith, et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R. 6808

Muskogee, Indian Territory, September 26, 1904.

John B. Stephens,

Mount Pleasant, Texas.

Dear Sir:

You are hereby notified that on the 24th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Cornelia A. Smith, et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.

6808

No.

6808

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 5 1905

Date

Name

John B. Stephens.

Age

33.

Blood

$\frac{1}{16}$

Post Office,

Mt Pleasant, Texas.

Father:

John Stephens, d.

Mother:

Sarah J. .. l.

Claims through

mother, $\frac{1}{8}$
wife.

Hannie Stephens, l. w.
No claim for wife.

~~Children:~~

Claims for self
alone

Stenographer

W. H. Martin -

FOR IDENTIFICATION AS B. C.
A MISSISSIPPI CHOCTAW

John B. Stephens
REFUSED.

DECISION RENDERED. MAR 14 1904
NOTICE OF DECISION FORWARDED
APPLICANT

THE DECISION
FORWARDED ATTORNEYS
FOR APPLICANTS

RECORDED IN DEPARTMENT.

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

SEP 20 1904

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.

Choctaw MCR 6809
Samuel N. McGee
See MCR

7247, 7248, 7249, 7299
7300, 6839, 6750, 6751, 6752
6753, 6754, 7200, 6832, 6757
6833 6762, 6758, 6759, 6760
6834, 6761, 6836, 6837, 6840
6835

MCR 6809

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Samuel Nelson McGee, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Effie D. Threest,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6750
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6753
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John M. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6833
Isaac S. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Strong, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6835
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willis Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Lou Hayden, et al.,	M.C.R. 6840

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

Original application of Samuel Nelson McGee to the Dawes Commission for identification as a Mississippi Choctaw-----	(Page) 1
--	---------------------

Original application of Robert McGee, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	6
Marriage certificate of R. W. McGee and Mollie McGee-----	11
Original application of Thomas McGee, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	12
Certified copy of the marriage record of Thomas McGee and Mary Buffington-----	16
Original application of George McGee, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	17
Certified copy of the marriage record of G. A. McGee and Ella Bird-----	21
Original application of Truss McGee, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	22
Certified copy of the marriage record of Truss McGee and Janie Short-----	26
Original application of John McGee, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	27
Certified copy of the marriage record of J. A. McGee and Anna Short-----	31
Original application of Effie D. Threest, et al., to the Dawes Commission for identifica- tion as Mississippi Choctaws-----	32
Original application of Alfred H. Walker, et al., to the Dawes Commission for identifica- tion as Mississippi Choctaws-----	37
Joint affidavit of Tom B. Walker and L. G. Sims-----	41
Certified copy of the marriage record of A. H. Walker and Ella Smith-----	42
Original application of Tom B. Walker, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	44
Joint affidavit of A. H. Walker and Callie Rogers-----	49
Original application of John T. Walker, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	51
Certified copy of the marriage record of John T. Walker and Della White-----	55

Certified copy of the marriage record of John T. Walker and Mary Crawford-----	56
Original application of James Walker, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	58
Certified copy of the marriage record of J. W. Walker and Mary Crawford-----	62
Original application of George Walker to the Dawes Commission for identification as a Mississippi Choctaw-----	64
Original application of Thomas W. Davis, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	67
Marriage certificate of T. W. Davis and Emma L. Harvey-----	71
Original application of John M. Davis, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	72
Copy of marriage record of John M. Davis and Maggie Chilcoat-----	77
Original application of Nelson L. Lackey, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	78
Joint affidavit of J. T. Strong and A. J. Strong-----	82
Original application of John W. Davis, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	83
Original application of Isaac S. Watson, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	88
Certified copy of the marriage record of Isaac Watson and Mattie Purness-----	92
Original application of Margaret McPherson, et al., to the Dawes Commission for identifica- tion as Mississippi Choctaws-----	93
Original application of James T. Strong, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	97
Original application of Benjamin Franklin Fulton to the Dawes Commission for identification as a Mississippi Choctaw-----	100
Original application of William A. Attaway to the Dawes Commission for identification as a Mississippi Choctaw-----	105

Original application of Edward P. Brown, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	109
Certificate of A. P. Spakman-----	114
Original application of James H. Moore, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	115
Original application of Willis Perry, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	119
Original application of Lee A. Edwards, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	125
Marriage record of L. A. Edwards and S. D. Lacey-----	129
Original application of Lou Hayden, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	130
Decision of the Commission refusing the ap- plications in the consolidated case of Samuel Nelson McGee, et al., for identification as Mississippi Choctaws-----	134

1007

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, Indian Territory,
March 3, 1903.

In the matter of the application of Samuel Nelson McGee for the identification of himself as a Mississippi Choctaw.

Samuel Nelson McGee being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name A Samuel Nelson McGee.
- Q What is your age? A Somewheres about 70 I think; I dont know exactly; somewheres along there.
- Q What is your post office address? A Linton down here in the nation below Antlers.
- Q In the Indian Territory? A Yes sir.
- Q Choctaw Nation? A Yes sir.
- Q How long have you lived there? A Been there about two years.
- Q Where did you live before that? A I lived part of the time in Mississippi, Panola County, then moved from there to Holly Springs, Mississippi, sorter up on the line of Mississippi and Tennessee, was up there during this last civil war.
- Q Where did you live just before you went to the Indian Territory? A I never knowed no other place but the state of Mississippi.
- Q Were you born in Mississippi? A Yes sir, I was born somewhere there in Mississippi, but my parents is all dead a long time ago.
- Q Is your father living? A No sir.
- Q Is your mother living? A No sir.
- Q What was your father's name? A Walker.
- Q Full name? A Walker McGee I guess is what he went by.
- Q What was your mother's name? A Louisa Phelps I think before she married.
- Q Then she married McGee? A Yes sir.
- Q Do you claim your Choctaw blood through your father or mother or both? A Both, so I have been told.
- Q How much Choctaw blood do you claim? A Well, I couldn't tell you sir.
- Q How much Choctaw blood did your father have? A I guess he was about half.
- Q How much did your mother have? A My mother said to be full Choctaw.
- Q Now if your father was one half and your mother was full how much would you be; you would be one half of your father? A About one half.
- Q Well, one half of one half is one quarter, and if your mother was a full blood you would be one half from her, and now if you add one half and one quarter, - one half equals two quarters, and added to one quarter makes three quarters; now, do you claim you are three quarters's Choctaw? A I believe I am a full blood.
- Q No, you are not a full blood; you dont look it? A Maybe one half.
- Q You dont know how much you are, do you? A No sir.
- Q You dont know really how much your father was? A No sir.
- Q Nor your mother? A No sir.
- Q Was your father part negro? A Yes sir, I reckon so.
- Q He was a slave wasn't he? A He mought have been.
- Q Do you know? A I suppose he mought have been a slave.

Samuel Nelson McGee-----2

- Q Do you think he was? A He was part slave I reckon.
- Q He couldn't be part slave; he had to be all slave or not any; you know he was a slave dont you before the war? A He acted as a kind of a workman(?).
- Q Dont you know he was a slave? A He must have been by that, you know.
- Q Now, was your mother, Louisa, also a slave? A Yes sir.
- Q You were a slave yourself, were you not? A Yes sir, I was a slave.
- Q Your father and mother and you were all slaves, and were liberated during the war, were you not? A Yes sir.
- Q Have your parents ever been recognized or enrolled as Choctaw Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I dont know sir.
- Q Your father and mother were not married according to United States laws? A I dont know sir how that was.
- Q You dont know anything about their marriage? A No sir.
- Q Were they living after the war was over? A My father lived a while after the war was over and got killed pretty soon after the war by a mule.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Maria McGee.
- Q Is she a negro? A Yes sir, a white man was her father, but she goes for a negro.
- Q You dont make any claim for her then? A No sir.
- Q How many children have you under age and unmarried? A All of mine are married; I have got five boys but all of them are married; I had six but one got died.
- Q Then you make application just for yourself? A Yes sir, the boys they come for themselves.
- Q None of your relatives have been before the Commission have they? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A None as I know of sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir, not yet until now; I did speak to a lawyer to go to see after it for me, but never made any application to him.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir, not any at all.
- Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830, or dont you understand that article? A No sir, I dont understand that article.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, and in order to protect the interests of these Indians who stayed

Samuel Nelson McGee-----3

back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. That article is as follows?

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir, I dont know.
- Q Whom do you claim your right to be identified through now? A A Through my father and mother.
- Q Dont you go back any further than that? A No sir.
- Q What was your father's name? A Walker.
- Q You dont know anything about his father or mother? A Samuel McGee I think they said was his father.
- Q Then your father Walker's father's name was Samuel McGee? A Yes sir.
- Q That is your grandfather? A Yes sir.
- Q Was he a slave? A I dont think he was sir.
- Q How much Choctaw blood did Samuel have? A I dont know sir.
- Q He had Choctaw blood did he? A Thats what I was told.
- Q Do you know anything about what was Samuel McGee's wife's name? A No sir.
- Q Through whom do you claim on your mother's side; go back as far as you can? A Her name I think was Phelps.
- Q Full name? A Of my Mother?
- Q Or your mother's mother? A I dont know any further than Phelps.
- Q Do you know your mother's father's name? A No sir.
- Q Do you know her mother's name? A No sir.
- Q Who was this Phelps whose name you have given? A Her name was Louisa Phelps before she married.
- Q Then her mother's name was Phelps? A Yes sir.
- Q But you dont know any other name? A No sir.
- Q That was your grandmother on your mother's side? A Yes sir.
- Q Did she have Choctaw blood? A I guess she did.
- Q Do you know how much? A No sir.
- Q Now, you have given the name of Samuel McGee, your grandfather on your father's side? A Yes sir.
- Q And you give the name of Phelps as your grandmother on your mother's side? A Yes sir.
- Q And you get your Choctaw blood through them? A Yes sir.
- Q But you dont know how much Choctaw blood they had? A No sir.
- Q Was your grandmother, Phelps, a slave at any time? A I dont know that.
- Q How did your father and mother happen to be slaves if their people

Samuel Nelson McGee-----4

were not slaves? A They were slaves some way or another by traders.

Q Stolen were they? A I was told my mother was stolen.

Q Did any of your Choctaw ancestors live in Mississippi and have a family there in 1830? A I dont know sir.

Q Did any of them go to Colonel Ward within six months after the treaty of 1830 was ratified and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states? A I dont know sir.

Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation either in Mississippi or Alabama for five years and then get a patent from the government for that land? A I dont know sir.

Q Did any of them claim any land in the old Choctaw Nation under article 14 of the treaty of 1830? A I dont know sir, they may.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know sir.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I dont know.

Q Did any of them go before the commission of 1837 or the commission of 1842 and claim any benefits under article 14 of the treaty of 1830? A Not as I know of.

These commissions were appointed, one in 1837 by an act of Congress approved March 3rd of that year, and the other in 1842 by an act of Congress approved August 23rd of that year, to hear the complaints of Choctaw Indians who went before Colonel Ward within six months from the ratification of the treaty of 1830 and attempted to register under article 14 of that treaty, but were refused registration by Colonel Ward, and as a result of this refusal the land they held in the old Choctaw Nation was taken from them by the government and sold at its public land sales.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842.

Q Do you understand or speak the Choctaw language? A No sir.

Q Have you a lawyer? A No sir, I haven't employed anybody at all.

Q Have you any other evidence you want to present in this case? A I have a cousin, said to be, that lives up in the northern states, and a sister.

Q But you have no evidence here? A No sir.

Q No witnesses here? A No sir, none at all.

This applicant is allowed time for the introduction of other proof in this case to and inclusive of the 24th day of March, 1903.

This applicant has the appearance and physical characteristics of being descended from mixed ancestry; his father and mother were slaves, and he also was a slave. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 3rd

Samuel Nelson McGee-----5

day of March, 1903, and that the within and foregoing is a full,
true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 19 day of March, 1903.

Edward Merritt
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Samuel Nelson McGee, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Effie D. Threet,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6750
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6753
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John M. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6833
Isaac S. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Strong, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6835
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willis Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Lou Hayden, et al.,	M.C.R. 6840

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission

by Samuel Nelson McGee for himself; by Robert McGee for himself and his six minor children, Aaron, Birdie, Odell, Ida, Lena and Georgie McGee; by Thomas McGee for himself and his five minor children, Minnie, Walter, Rhoda, Rella and Jim McGee; by George McGee for himself and his five minor children, Jesse, Rosa, Robert, Maria and Willie McGee; by Truss McGee for himself, his four minor children, Charlie, Johnnie, Carrie Lee and Inez McGee, and his minor ward, Josie McGee; by John McGee for himself and his three minor children, Donnie D., Thomas and Daisy McGee; by Effie D. Threest for herself; by Alfred H. Walker for himself and his seven minor children, Joe R., Alfred Hector, Katie U., Alice L., Tom H., Nata L., and John T. Walker; by Tom B. Walker for himself and his four minor children, Idella, Josie, Margie and Willie B. Walker; by John T. Walker for himself and his four minor children, Tommie, Sarah, Irene G. and Earl L. Walker; by James W. Walker for himself and his two minor children, Daisy and Robert Walker; by George Walker for himself; by Thomas W. Davis for himself and his three minor children, Emma H., Weston H. and Warren W. Davis; by John M. Davis for himself and his two minor children, Chauncey and Mary M. Davis; by Nelson L. Lackey for himself and his three minor children, Adlena P., Christopher C. and Eddie B. Lackey; by John W. Davis for himself and his two minor children, Maria L. and Matilda Davis; by Isaac S. Watson for himself and his two minor children, Wilson and Caroline Watson; by Margaret McPherson for herself and her minor child, Sam McCree; by James T. Strong for himself and his two minor children, Clarence J. and Signora Strong; by Benjamin Franklin Fulton for himself; by William A. Attaway for himself; by Edward P. Brown for himself and his four minor children, Daisy B., Everson W., Noel P. and Earl M. Brown; by James H. Moore for himself and his four minor children,

William H., Annie, Mary Lizzie and Maggie A. Moore; by Willis Perry for himself and his four children, Monroe, Robertson, Page and Willis Perry; by Lee A. Edwards for himself and his two minor children, James L. and Lillie Edwards; and by Lou Hayden for herself and her four minor children, Mary A., Lucy, Hiram and Henry Clark, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all the applicants embraced in M.C.R. 6809, 7247, 7248, 7249, 7299 and 7300 claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Samuel McGee, who is alleged to have been a Choctaw Indian, degree of blood not positively stated, and Louisa Phelps, who is alleged to have been a full-blood Choctaw Indian; that the applicants embraced in M.C.R. 6839, 6835, 6834, 6836, 6840 and the principal applicant in M.C.R. 6837, claim said rights by reason of being descendants of the above named Samuel McGee and John Jones, who is alleged to have been a full-blood Choctaw Indian, and to have resided in Alabama in eighteen hundred and thirty; that the minor applicants in M.C.R. 6837, claim said rights by reason of being descendants of Samuel McGee, John Jones and Susie A. Edwards, the latter of whom is alleged to have been a Choctaw Indian, degree of blood not stated; that all the other applicants, except the minor applicants in M.C.R. 6832 and 6833, claim said rights by reason of being descendants of

the above named Samuel McGee and Polly McGee, who is alleged to have been a full-blood Choctaw Indian; that the minor applicants in M.C.R. 6832 claim said rights by reason of being descendants of Samuel McGee, Polly McGee and Maggie Davis, the latter of whom is alleged to have been a quarter blood Choctaw Indian; and that the minor applicants in M.C.R. 6833 claim said rights by reason of being descendants of the above named Samuel McGee, Polly McGee and Mary E. Davis, the latter of whom is alleged to have been an one-sixteenth blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found from an examination of the records in the possession of the Commission, that the name of Samuel McGee appears on pages 60, 67, 82, 140, 280 and 320 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, and also on page 1055, Volume II of said record, in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of "Dancing Rabbit Creek," wherein it appears that Samuel McGee was an one-half blood Choctaw Indian, who resided, at the date of the treaty about ten miles North of the old Agency on a creek called Trimmer Cane; that his first wife was a half breed Choctaw woman by the name of Polley, by whom he had three children, two over and one

under ten years of age at the date of the treaty (unmarried), whose names are as follows: Ann, Lavinia and Umpries (or Humphreys); that their ages in 1838 are given as 22, 20 and 17 respectively; that Polley died five or six years prior to the date of the treaty and that after her death he re-married, his second wife deserting him the year before his death which occurred in about January 1837.

The name John Jones is found on page 18, Volume I of the record above mentioned in "a register of Choctaws as entered by the Agent previous to the 24th August, 1831, who wish to become citizens according to a provision of the treaty of eighteen hundred and thirty," as being a white man with an Indian wife, having one child over ten years of age; on page 139 in "a list of Choctaw heads of families claiming land under the fourteenth article of the treaty," and also on page 1055, Volume II of said record as the father of Polley, the wife of Samuel McGee.

It is further found that the names Samuel McGee appears on page 63, John Jones on pages 67, 122 and 133, and John Jones, Sr., on pages 76 and 125 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Mushulatubbee's and Greenwood Leflore's districts, in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the persons therein named with its provisions.

The applicants herein allege descent from Samuel McGee,

Polly McGee and John Jones, and claim rights in the Choctaw lands by virtue of an attempted compliance on the part of said ancestors with article fourteen of the treaty of eighteen hundred and thirty, depending for proof of such compliance entirely upon their own testimony.

From the evidence it appears that the principal applicant, Samuel Nelson McGee, and his wife were slaves, born of slave parents; that his father, whose name is given as Walker McGee, was a son of Samuel and Louisa McGee, formerly Phelps; that at the time of the making of his application he was 70 years of age, and that the principal applicants in M.C.R. 7247, 7248, 7249, 7299 and 7300, are the children of the said Samuel Nelson McGee. Being 70 years of age at that time, his parents would undoubtedly been married in 1833. The records of the Commission do not disclose the fact that the Samuel McGee of record had any children by the name of Walker or that he was married to a woman whose maiden name was Louisa Phelps. The records set forth that Samuel McGee, after the death of his first wife, Polley, in 1825, re-married, living with his second wife until about 1836, and any children that Samuel McGee of record may have had by his second wife would, in 1833, not have been over seven or eight years of age. The other applicants herein, except those embraced in M.C.R. 7200, 6832, 6834, 6751, 6836, 6837 and 6840, claim rights in the Choctaw lands by reason of being descendants of Samuel and Polly McGee, through either Anna (or Annie), who married one Jack Cole, or Humphreys (or Humphrees, or Umphrees), or Levina (or Levinay), who married one John Smith, children of Samuel and Polly McGee, the ancestors through whom they claim. The applicants in M.C.R. 7200, 6832, 6834, 6751, 6836, 6837, and 6840 are unable to give the names of their ancestors less remote than Samuel and Polly McGee, while those applicants who do name them have

acquired such knowledge but recently and state that in eighteen hundred and thirty, Samuel and Polly McGee had three children in Alabama, whose names are given as: Hannah, Umphrees (or Humphrees, or Humphreys) and Levina (or Leviney), whereas the Samuel and Polley McGee of record had no child at that time, or subsequent thereto, who bore the name of Hannah, and that their residence at that time and until their death, was in Mississippi. The applicants show surprising ignorance as to the residence of their ancestors, some claiming they resided in Alabama in eighteen hundred and thirty, while others give their residence as Mississippi, and even the principal applicant, who gives his age as 70, expresses total ignorance as to the residence of said ancestors. The applicants herein further allege that Polly McGee was a full-blood Choctaw Indian and the daughter of John Jones, also a full-blood Choctaw Indian, while the Polley McGee of record was an one-half blood Choctaw Indian and the daughter of John Jones, a white man, the husband of an Indian woman. With the exception of naming two children, whose names are similar to those of the children of the Samuel and Polley McGee of record, the facts as set forth by the applicants herein fail to corroborate the record in any particular, and fails to produce any testimony relating to the compliance or attempted compliance on the part of their ancestors.

It does not appear from the testimony and evidence offered in support of these applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Samuel McGee, or John Jones, or Polly McGee, through whom these applicants claim, or Louisa Phelps,

or Susie A. Edwards, or Maggie Davis, or Mary E. Davis, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 160) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Throet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma M. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher G. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy L. Brown, Eversen W. Brown, Noel P. Brown, Earl M. Brown, James H. Moore, William H. Moore, Annie Moore,

Mary Lissie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Dinby.

Chairman.

(SIGNED)

E. P. Needler

COMMISSIONER.

(SIGNED)

E. D. Green

COMMISSIONER.

(SIGNED)

J. H. Stanley.

COMMISSIONER.

Muskogee, Indian Territory,

OCT 31 1905

Muskogee, Indian Territory, March 17, 1903.

Nelson McGee,

Lenton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you state you appeared before the Commission the first week in March and applied for citizenship; that at that time you failed to ask if you could take up a piece of land and improve it, and you now desire to be advised relative thereto.

In reply to your letter you are informed that it does not appear from our records that any person by the name of Nelson McGee is listed for enrollment as a citizen or freedman of either the Choctaw or Chickasaw Nation. Our records do show, however, that Samuel N. McGee, seventy-years of age, residence Lenton, Indian Territory, on March 3, 1903, submitted to this Commission his application to be identified as a Mississippi Choctaw. The Commission has not rendered any opinion or decision relative to his right to such identification. As soon as a decision is rendered he will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

If you are identical with the person named in the above application, you are requested to explain whether your name is

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Samuel N. McGee or Nelson McGee. Relative to the right of Samuel N. McGee to hold lands in the Choctaw-Chickasaw country, your attention is invited to the following provision of the act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902:

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time ~~within~~ six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

It is not believed that the benefits of this legislation will in any manner accrue to applicants until duly identified by the Commission as Mississippi Choctaws entitled to allotment, and that you are not at this time entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFERS IN REPLY TO THE FOLLOWING

Muskogee, Ft. 3/23/03

Received of the Commission to the
Five Civilized Tribes, one copy
of testimony in Mississippi
Choctaw case of Nelson McGee
et al.

J. L. Lowery

M C R 6809

Muskogee, Indian Territory, April 1, 1903.

Samuel Nelson McGee,

Lenton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you state your full name is Samuel Nelson McGee. A proper record has been made of the same.

Respectfully,

Chairman.

COPY.

M. C. R. 6809.

Muskogee, Indian Territory, October 31, 1903.

Samuel Nelson McGee,

Lenton, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al. embracing the following applications for identification as

Mississippi Choctaws:

Samuel Nelson McGee,	M. C. R. 6809,
Robert McGee, et al.,	M. C. R. 7247,
Thomas McGee, et al.,	M. C. R. 7248,
George McGee, et al.,	M. C. R. 7249,
Truss McGee, et al.,	M. C. R. 7299,
John McGee, et al.,	M. C. R. 7300,
Effie D. Threet,	M. C. D. 6839,
Alfred H. Walker, et al.,	M. C. R. 6750,
Tom B. Walker, et al.,	M. C. R. 6751,
John T. Walker, et al.,	M. C. R. 6752,
James W. Walker, et al.,	M. C. R. 6753,
George Walker,	M. C. R. 6754,
Thomas W. Davis, et al.,	M. C. R. 7200,
John M. Davis, et al.,	M. C. R. 6832,
Nelson L. Lackey, et al.,	M. C. R. 6757,
John W. Davis, et al.,	M. C. R. 6833,
Isaac S. Watson, et al.,	M. C. R. 6762,
Margaret McPherson, et al.,	M. C. R. 6758,
James T. Strong, et al.,	M. C. R. 6759,
Benjamin Franklin Fulton,	M. C. R. 6835,
William A. Attaway,	M. C. R. 6760,
Edward P. Brown, et al.,	M. C. R. 6834,
James H. Moore, et al.,	M. C. R. 6761,
Willie Perry, et al.,	M. C. R. 6836,

Lee A. Edwards, et al.,
Lou Hayden, et al.,

M. C. R. 6837,
M. C. R. 6840.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Ines McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threest, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom B. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac B. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McGee, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willie Perry, Monroe Perry, Robertson Perry, Pace Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark

S.N.McG--2.

and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

J. J. McGowan
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, October 31, 1903.

J. C. Lowery, Attorney,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M. C. R. 6809,
Robert McGee, et al.,	M. C. R. 7247,
Thomas McGee, et al.,	M. C. R. 7248,
George McGee, et al.,	M. C. R. 7249,
Trues McGee, et al.,	M. C. R. 7299,
John McGee, et al.,	M. C. R. 7300,
Effie D. Threest,	M. C. R. 6839,
Alfred H. Walker, et al.,	M. C. R. 6750,
Tom B. Walker, et al.,	M. C. R. 6751,
John T. Walker, et al.,	M. C. R. 6752,
James W. Walker, et al.,	M. C. R. 6753,
George Walker,	M. C. R. 6754,
Thomas W. Davis, et al.,	M. C. R. 7200,
John M. Davis, et al.,	M. C. R. 6832,
Nelson L. Locke, et al.,	M. C. R. 6757,
John W. Davis, et al.,	M. C. R. 6833,
Isaac S. Watson, et al.,	M. C. R. 6742,
Margaret McPherson, et al.,	M. C. R. 6758,
James T. Strong, et al.,	M. C. R. 6759,
Benjamin Franklin Fulton,	M. C. R. 6835,
William A. Attaway,	M. C. R. 6760,
Edward P. Brown, et al.,	M. C. R. 6834,
James H. Moore, et al.,	M. C. R. 6761,
Willis Perry, et al.,	M. C. R. 6836,

Lee A. Edwards, et al.,
Lou Hayden, et al.,

M. C. R. 6837,
M. C. R. 6840.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Winnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threest, Alfred H. Walker, Joe B. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Meta L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene C. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John K. Davis, Chauncey Davis, Mary K. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark,

J.C.L.--3.

Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs."

Respectfully,

(SIGNED)

E. B. Woodlee.

Commissioner in Charge.

Registered.

COPY.

M.C.R. 6809.

Muskogee, Indian Territory, October 31, 1903.

A. W. Jones,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M. C. R. 6809,
Robert McGee, et al.,	M. C. R. 7247,
Thomas McGee, et al.,	M. C. R. 7248,
George McGee, et al.,	M. C. R. 7249,
Truss McGee, et al.,	M. C. R. 7299,
John McGee, et al.,	M. C. R. 7300,
Effie D. Threest,	M. C. R. 6839,
Alfred H. Walker, et al.,	M. C. R. 6750,
Tom B. Walker, et al.,	M. C. R. 6751,
John T. Walker, et al.,	M. C. R. 6752,
James W. Walker, et al.,	M. C. R. 6753,
George Walker,	M. C. R. 6754,
Thomas W. Davis, et al.,	M. C. R. 7200,
John M. Davis, et al.,	M. C. R. 6832,
Nelson L. Lackey, et al.,	M. C. R. 6757,
John W. Davis, et al.,	M. C. R. 6833,
Isaac S. Watson, et al.,	M. C. R. 6762,
Margaret McPherson, et al.,	M. C. R. 6758,
James T. Strong, et al.,	M. C. R. 3759,
Benjamin Franklin Fulton,	M. C. R. 6835,
William A. Attaway,	M. C. R. 6760,
Edward P. Brown, et al.,	M. C. R. 6834,
James H. Moore, et al.,	M. C. R. 6761,

Willis Perry, et al.,	M. C. R. 6836,
Lee A. Edwards, et al.,	M.C. R. 6837,
Lou Hayden, et al.,	M. C. R. 6840.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threest, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McGree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl E. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians en-

A.W.J.--3

titled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

I. B. Needles.

Commissioner in Charge.

Registered.

COPY.

M C R 6809

Muskogee, Indian Territory, October 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel Nelson McGee,	M.C.R. 6809
Robert McGee, et al.,	M.C.R. 7247
Thomas McGee, et al.,	M.C.R. 7248
George McGee, et al.,	M.C.R. 7249
Truss McGee, et al.,	M.C.R. 7299
John McGee, et al.,	M.C.R. 7300
Effie D. Threet,	M.C.R. 6839
Alfred H. Walker, et al.,	M.C.R. 6750
Tom B. Walker, et al.,	M.C.R. 6751
John T. Walker, et al.,	M.C.R. 6752
James W. Walker, et al.,	M.C.R. 6753
George Walker,	M.C.R. 6754
Thomas W. Davis, et al.,	M.C.R. 7200
John M. Davis, et al.,	M.C.R. 6832
Nelson L. Lackey, et al.,	M.C.R. 6757
John W. Davis, et al.,	M.C.R. 6833
Isaac S. Watson, et al.,	M.C.R. 6762
Margaret McPherson, et al.,	M.C.R. 6758
James T. Strong, et al.,	M.C.R. 6759
Benjamin Franklin Fulton,	M.C.R. 6835
William A. Attaway,	M.C.R. 6760
Edward P. Brown, et al.,	M.C.R. 6834
James H. Moore, et al.,	M.C.R. 6761
Willis Perry, et al.,	M.C.R. 6836
Lee A. Edwards, et al.,	M.C.R. 6837
Lea Hayden, et al.,	M.C.R. 6840

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threest, Alfred W. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom W. Walker, Meta L. Walker, John T. Walker, Tom R. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston W. Davis, Warren W. Davis, John W. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file argument in this office, and that at the expiration of said time the papers in the case, together with such argument, will be forwarded to the Secretary of the Interior through the Commission-

M MCM & C 3

er of Indian Affairs.

Respectfully,

(SIGNED).

I. B. Needles.

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, November 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Samuel Nelson McGee, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 31, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Samuel Nelson McGee,	M. C. R. 6809.
Robert McGee, et al.,	M. C. R. 7247.
Thomas McGee, et al.,	M. C. R. 7248.
George McGee, et al.,	M. C. R. 7249.
Truss McGee, et al.,	M. C. R. 7299.
John McGee, et al.,	M. C. R. 7300.
Effie D. Threest,	M. C. R. 6839.
Alfred H. Walker, et al.,	M. C. R. 6750.
Tom B. Walker, et al.,	M. C. R. 4751.
John T. Walker, et al.,	M. C. R. 6752.
James W. Walker, et al.,	M. C. R. 6753.
George Walker,	M. C. R. 6754.
Thomas W. Davis, et al.,	M. C. R. 7200.
John M. Davis, et al.,	M. C. R. 6832.
Nelson L. Lackey, et al.,	M. C. R. 6757.
John W. Davis, et al.,	M. C. R. 6833.
Isaac B. Watson, et al.,	M. C. R. 6762.
Margaret McPherson, et al.,	M. C. R. 6758.
James T. Strong, et al.,	M. C. R. 6759.
Benjamin Franklin Fulton,	M. C. R. 6835.
William A. Attaway,	M. C. R. 6760.
Edward P. Brown, et al.,	M. C. R. 6834.
James H. Moore, et al.,	M. C. R. 6761.
Willis Perry, et al.,	M. C. R. 6836.

6809

Secretary--2.

Lee A. Edwards, et al.,
Lou Hayden, et al.,

M. C. R. 6837,
M. C. R. 6840.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

There is also herewith transmitted argument of A. W. Jones, attorney for applicants in said case, filed subsequent to the rendition of the decision in the case.

Respectfully,

(SIGNED)

Tamo Birby.
Chairman.

Through the

Commissioner of Indian Affairs.

2 Enc. M.C.R. 6809.

M C R 6809

Muskogee, Indian Territory, November 16, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, enclosing argument in the consolidated Mississippi Choctaw case of Samuel N. McGee, et al. The same has this day been transmitted to the Secretary of the Interior with the record in said case.

Respectfully,

Chairman.

Comr. No. 37586

C O P Y

J. W. H.

DEPARTMENT OF THE INTERIOR,
Washington. FHE.
I.T.D. 6176-1904. August 3, 1905.
L R S

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

November 16, 1903, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application of Samuel Nelson McGee et al, for identification as Mississippi Choctaws. Under date of October 31, 1903, the Commission rendered a decision refusing to identify the applicants in said case.

Reporting in the matter July 30, 1904, the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

All of these applicants claim descent from one John Jones, who, it is alleged, was a full blood Choctaw and a resident either of Mississippi or of Alabama in 1830. It is claimed that the said John Jones had a daughter Polly, also a full blood Choctaw, who married a one half blood Choctaw named Samuel McGee. The testimony further shows that of this marriage there were born four children, viz: Walker McGee, Anna McGee (afterwards Anna Cole), Levina McGee (afterwards Levina Smith), and Emphries (or Humphries) McGee.

(2)

Descent in the case of these applicants is traced through some one of these four children of Samuel and Polly McGee. It is claimed, although not established by satisfactory proof, said ancestors are the identical persons referred to below whose names appear among the records of the Indian Office. Said records show that there was a white man named John Jones who was the head of a Choctaw family in 1830, or prior thereto, and that he had a daughter Polly who married a one-half blood Choctaw named Samuel McGee; also that the said Samuel and Polly McGee had three children, viz: Anne, Levina and Humphreys, the two former of whom were over ten years of age at the date of the treaty; the latter was then under ten years of age. Said records do not show, however, that Samuel and Polly McGee were the parents of a child named Walker McGee, nor do they show that any of said ancestors had any negro blood whatever or that they were ever held in slavery. On the contrary it appears that the principal applicants in this consolidated case who were living prior to the civil war were slaves; also that such others of the applicants as were born since the civil war are the descendants, immediately or remote, of slave ancestors, some of whom were held in slavery at and prior to the treaty of September 27, 1830. The fact that the applicants were slaves or are of slave descent tends to show that they are not the descendants of the Indians referred to in the records of the Indian Office. This conclusion is strengthened when it is noted that the common

(3)

ancestor, John Jones, was an alleged full blood Choctaw, whereas the John Jones of record was a white man. Although the testimony in various respects tends to connect the applicants with the said Samuel McGee and John Jones of record, who attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, the Department considers that the evidence is insufficient to establish the allegations of the claimants. Accordingly, the decision of the Commission referred to above is hereby affirmed.

Reference is here made to departmental decision of even date concerning Young Whitaker (M.C.R. 6628), who claims descent from one Jack Jones, alleged to be the son of John Jones. Reference is also made to departmental decision of November 21, 1904, relative to the Mississippi Choctaw case of Ben Finley, et al, in which the applicants also claim descent from John Jones.

Respectfully,

T H O S R Y A N

Acting Secretary.

1 inclosure.

C O P Y

Land.
75390-1904

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, July 30, 1904.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated November 16, 1903, transmitting the record of the consolidated applications for identification as Mississippi Choctaws, by Samuel Nelson McGee for himself; by Robert McGee for himself and his six minor children, Aaron, Birdie, Odell, Ida, Lena and Georgie McGee; by Thomas McGee for himself and his five minor children, Minnie, Walter, Rhoda, Rella and Jim McGee; by George McGee for himself and his five minor children, Jesse, Rosa, Robert, Maria and Millie McGee; by Truss McGee for himself and his four minor children, Charlie, Johanis, Carrie Lee and Inez McGee, and his minor ward, Josie McGee; by John McGee for himself and his three minor children, Dennis E., Thomas and Daisy McGee; by Effie D. Threest for herself; by Alfred H. Walker for himself and his seven minor children, Joe E., Alfred Hester, Katie U., Alice L., Tom H., Meta L. and John T. Walker; by Tom E. Walker for himself and his four minor children, Idella, Josie, Margie and Willie E. Walker; by John T. Walker for himself

and his four minor children, Tommie, Sarah, Irene G. and Earl L. Walker; by James W. Walker for himself and his two minor children, Daisy and Robert Walker; by George Walker for himself; by Thomas W. Davis for himself and his three minor children, Emma E., Weston M. and Warren W. Davis; by John M. Davis for himself and his two minor children Chaunsey and Mary M. Davis; by Nelson L. Lackey for himself and his three minor children, Adlena P., Christopher C. and Eddie B. Lackey; by John W. Davis for himself and his two minor children, Maria L. and Matilda Davis; by Isaac S. Watson for himself and his two minor children, Wilson and Caroline Watson; by Margaret McPherson for herself and her minor child, Sam McGree; by James T. Strong for himself and his two minor children, Clarence J. and Signora Strong; by Benjamin Franklin Fulton for himself; by William A. Attaway for himself; by Edward P. Brown for himself and his four minor children, Daisy E., Everson W., Noel P. and Earl N. Brown; by James H. Moore for himself and his four minor children, William H., Annie, Mary Lizzie and Maggie A. Moore; by Willis Perry for himself and his four minor children, Monroe, Robertson, Page and Willis Perry; by Lee A. Edwards for himself and his two minor children, James L. and Lillie Edwards; and by Lou Hayden for herself and her four minor children, Mary A., Lucy, Hiram and Henry Clark.

October 31, 1903, the Commission decided adversely to the applicants.

The record shows that the principal applicant, Samuel H. McGee was born in 1833, a slave of negro slave parentage on both sides, (Walker McGee and Louisa Phelps McGee) and is unable to show ancestry further back than to free blood.

The applicants, Robert McGee, Thomas McGee, George McGee, Truss McGee and John McGee, together with their children are descendants of Samuel Nelson McGee and derive their sole title to identification as Mississippi Choctaws through him alone. The other applicants, parents and children claim identification through another channel back to Anna McGee and her husband, both negro slaves and allege that Anna was the daughter of Samuel McGee and of Polly Jones McGee, or, indifferently, Anna McKee.

It is nowhere shown by satisfactory evidence that any of the applicants are identified as the descendants of any family or head of a family who complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or any tribunal relating thereto.

There appears to be in the records of this office a John Jones (white) who had an Indian wife and a daughter - Pelly. John Jones, it appears applied to Col. Ward for registration and was so entered upon a registry of Choctaws previous to the 24th of August, 1831, as a white man having an Indian wife and one child over ten years of age.

It further appears from the records of this office that

Samuel McGee was a one-half breed Choctaw Indian, who resided at the date of the treaty of Dancing Rabbit Creek about ten miles from the Agency on Trimmer Cane; that his first wife was a half breed Choctaw woman named Polly, by whom he had three children, Ann, Lavina and Umphries (or Humphries) who were born respectively in 1816, 1818 and 1821; that Polly died about 1824; that after her death he remarried and this second wife deserted him in 1836 and he died in 1837 in the Chickasaw Nation. He applied under the treaty of 1830 and was rejected. He received land in the Chickasaw Nation described as Sections 15, 21 and 22, Township 3, Range 6 West, which he sold to Green and McCorkle and the sale was approved September 24, 1836.

The records of this office do not show that any ancestor of any of the applicants has been recognized or enrolled as a Mississippi, or other Choctaw by any tribunal whatever, nor are any of the claimants identified or enrolled by any tribunal.

It is shown in this case that the principal applicant was born in 1833 and a generation intervenes between his birth, (Walker McGee and Louisa Phelps McGee) and that of Ann McGee (born in 1816) the ancestor through whom title is claimed. It is therefore evident that Samuel Nelson McGee is not a descendant of Ann McGee or remoter still of her father, Samuel McGee, or grandfather John Jones, the Choctaw citizens.

(5)

It is shown in evidence in the case that all of the applicants are of negro blood and slave ancestry, some of whom have testified that their owners were named McGees; it may therefore be considered probable that they got the name of McGee in that manner and not from a Choctaw ancestor.

In view of the record, the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

M.M.M.:L.M.

M.C.R. 6809

Muskogee, Indian Territory, August 14, 1905.

A. W. Jones,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 3rd day of August, 1903, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

M.C.R. 6809

Muskogee, Indian Territory, August 14, 1905.

J. C. Lowery,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

M.C.R. 6809

Muskogee, Indian Territory, August 14, 1905.

Samuel Nelson McGee,

Lenton, Indian Territory,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

M.C.R. 8809

Muskogee, Indian Territory, August 14, 1905.

Mansfield, McMurphy & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by mail on the 31st day of October, 1903.

A copy of said decision is herewith inclosed.

Respectfully,

IM 1/14

Acting Commissioner.

REFER TO M. C. R. 6809

Samuel N. McGee et al

Consolidated Case

1

Walker Mc Gee - 1/2 - d
wife
Louisa Mc Gee - full - d
NE
Phelps

Louisa Phelps

Amie
Anna Mc Gee
married
Jack Cole - N.

Imuel Mc Gee - 1/2 - d
wife
John Jones - P.D.
Polly Mc Gee - full - d

6809
Samuel Nelson Mc Gee - 70 -
wife
Maria Mc Gee - L. N. W.

67011
Ettie Walker - L. 3/4
husband
Joe Walker - D - N

Robert Mc Gee - 39 - 3/8
wife
Mollie Mc Gee - N.

7248
Thomas Mc Gee - 35 -
wife
Mary Mc Gee - W.

7249
George Mc Gee - 35 -
wife
C. Ella Mc Gee - N.

7299
Jesse Mc Gee - 30
wife
Fannie Mc Gee - D - N

Hugh Mc Gee - D.
wife
Annie Mc Gee - D

7300
John Mc Gee - 28 - L.
wife
Hannah Mc Gee - L. N.

wife
Callie Walker

6752
John T. Walker - 38 - 3/4
married
1st Mary Grandford Walker
2nd Della Walker

6753
James H. Walker - 30 - 3/4
wife
Mary Lou Walker

6754
George Walker - 21 - 3/4

7247
Aaron Mc Gee 16
Bodie " 14
Odell " 12
Ida " 10
Lina " 8
Ginger " 6

7248
Minnie Mc Gee 10
Hattie " 9
Rhoda " 6
Rella " 4
Jane " 1

7249
Jesse Mc Gee 9
Rosa " 7
Robert " 5
Maria " 3
Willie " 1

7299
Charlie Mc Gee 9
Johnnie " 8
Carrie Lee " 6
Inez " 4

7299
Josie Mc Gee 13

7300
Donnie B. Mc Gee 6
Thomas " 5
Daisy " 1

Margie " 14
Willie B. " 11

6752
Tommy Walker 16
Clara " 14
Gene G. " 7
Earl L. " 5

6753
Daisy Walker 5
Robert " 2

Walker M^c Gee - 1/2 - d
wife

Louisa M^c Gee - full - d
NE
Phelps

Mother of
Louisa Phelps.

Amie
Anna M^c Gee
married
Jack Cole. N.

Amiel M^c Gee - 1/2 - d
wife

John Jones. P.O.
Polly M^c Gee - full - d

6809

Samuel Nelson M^c Gee - 70 -
wife
Maria M^c Gee - L. N. W.

LYDIA
Lettie Walker - L. 3/4
husband
Joe Walker. D - N

Eddie Davis - L - 1/2
husband
Thom Davis D - N.

George M^c Gee - 35 -
wife
Ella M^c Gee - N.

7299
Truss M^c Gee - 30
wife
Fennie M^c Gee - D - N

Hugh M^c Gee - D.
wife
Annie M^c Gee - D

7300
John M^c Gee - 28 - L.
wife
Hannah M^c Gee - L - N.

wife
Callie Walker

6752
John T. Walker. 38 - 3/4
married
1st Mary Crawford Walker
2nd Della Walker

6753
James W. Walker. 30 - 3/4
wife
Mary Lou Walker

6754
George Walker - 21 - 3/4

7200
Thomas W. Davis - 42 - 1/2
wife
Emma L. Davis

6838
John M. Davis. 30 - 1/2
wife
Maggie Davis - L - 1/4

George M^c Gee
Rosa " 7
Robert " 5
Maria " 3
Willie " 1

7299
Charlie M^c Gee 9
Johnnie " 8
Carrie Lee " 6
Inez " 4

7299
Josie M^c Gee 13

7300
Domie B. M^c Gee 6
Thomas " 5
Daisy " 1

Margie " 14
Willie B. " 11

6752
Tommy Walker 16
Sarah " 14
Irene G. " 7
Earl L. " 5

6753
Daisy Walker 5
Robert " 2

7200
Emma E. Davis 8
Helen M. " 6
Harrin W. " 4

6838
Chauncy M. Davis 3
Mary M. " 1 1/2

Maria Smith - 2/8
Married
1st Tom Lackey - D.
2nd - Davis -

Maria Davis - D. 1/2
husband
Lewis Davis - L.

Caroline Watson - D. 3/8
husband
John Watson - D.

Rachel Smith - L. 3/8
Married
1st Sam Murrell - D.
2nd - Porter - D.

Jimmy Strong - D. 3/8
husband
Paton Strong - D.

Julia Center - 3/8
Married
Benjamin F. Fulton - D.

Mary Attaway - L. 3/8
Married
Alfred Attaway - D.

Hester Brown - D. 3/8
husband
Edward Brown - L. N.

Patience Moon - D. 3/8
husband
Harry Moon - D.

Mavour Mc Gee - D. 1/2
wife
Becky Perry - D.

Mavour Mc Gee - D. 1/2
wife
Becky Perry - D.

6757
Nelson L. Lackey - 44 - 3/6
wife
Elizabeth Lackey - L. N.

6833
John W. Davis - 42 - 1/4
wife
1st Mary E. Davis - D. N.
2nd Millie H. Davis - N.

6762
Isaac S. Watson - 40 - 3/6
wife
1st Lucy Watson - D. N.
2nd Adeline - D. N.
3rd Mattie - L.

6758
Margaret Murrell - 42 - 3/6
Married
1st Ambrose McBree - L. N.
2nd Virgil McPherson - L. N.

6759
James T. Strong - 30 - 3/6
wife
Lizzie W. Strong - L. N.

6835
Benjamin F. Fulton - 30 - 3/6
wife
Lucy L. Fulton - L. N.

6760
William A. Attaway - 30 - 3/6

6834
Edward P. Brown - 46 - 3/6
wife
Delia Brown - L. N.

6761
James H. Moon - 40 - 3/6
wife
Katie Moon - L. N.

6836
Willis Perry - 40 - 1/6
wife
Annie Perry - L. N.

6837
Willis Perry - 40 - 1/6
wife
Annie Perry - L. N.

6757
Adeline P. Lackey 19
Christopher C. " 17
Eddie B. " 15

6833
Maria L. Davis 16
Matilda " 14

6762
Wilson Watson 13
Caroline " 10

6758
Sam Mc Bree 16

6759
Clarence J. Strong 14
Signora " 12

6834
Daisy E. Brown 20
Emerson W. " 19
Hort P. " 16
Earl H. " 13

6761
William H. Moon 18
Annie " 17
Mary L. " 16
Maggie H. " 13

6836
Mavour Perry 23
Robertson " 21
Lige " 18
Willis " 15

6837
Willis Perry 23
Robertson " 21
Lige " 18
Willis " 15

Samuel Mc Gee -
Married
John Smith

Unphases Mc Gee.

Samuel Mc Gee - D.
wife
Polly Mc Gee - D.

John Jones - D.

John Jones, F.D.
 Samuel Mc Gee - D.
 wife
 Polly Mc Gee - full - D.

Levina Mc Gee -
 married
 John Smith

Umpress Mc Gee.

Caroline Watson - D. 3/8
 husband
 John Watson - D.

Rachel Smith - L. 3/8
 married
 1st Sam Murrell - D.
 2nd - Porter - D.

James Strong - D. 3/8
 husband
 Paton Strong - D.

Julia Butler 3/8
 married
 Benjamin F. Fulton - D.

Mary Attaway - L. 3/8
 married
 Alfred Attaway - D.

Hester Brown - D. 3/8
 husband
 Edward Brown - L. N.

Patience Moon - D. 3/8
 husband
 Henry Moon - D.

Monor Mc Gee - D. 1/2
 wife
 Becky Perry - D.

Mary Jane Edwards - L. 3/8
 married
 James Edwards - D.

Mary Young - D. 3/8
 married
 Gustaf Young - D.

Isaac J. Watson - 40 - 3/6
 wife
 1st Lucy Watson - D. N.
 2nd Adeline " D. N.
 3rd Mattie " L.

6758 Margaret Murrell - 42 - 3/6
 married
 1st Ambrose Mc Gree - L. N.
 2nd Virgil Mc Pherson - L. N.

6759 James T. Strong - 34 - 3/6
 wife
 Lizzie W. Strong - L. N.

6835 Benjamin F. Fulton - 30 - 3/6
 wife
 Lucy L. Fulton - L. N.

6760 William A. Attaway - 30 - 3/6

6834 Edward P. Brown - 46 - 3/6
 wife
 Delia Brown - L. N.

6761 James H. Moore - 44 - 3/6
 wife
 Katie Moore - L. N.

6836 Willis Perry - 40 - 1/4
 wife
 Annie Perry - L. N.

6837 Lee A. Edwards - 40 - 3/6
 wife
 Julia A. Edwards - L. N.

6840 Lou Young - 35 - 3/6
 married
 1st Ed Clark - D. N.
 2nd Ed Hayden - L. N.

Wilson Watson. 13
 Caroline " 10

6758 Sam Mc Gree 16

6759 Clarence J. Strong 14
 Signora " 12

6834 Daisy E. Brown 20
 Emerson W. " 19
 Noel P. " 16
 Carl H. " 13

6761 William H. Moon. 18
 Annie " 17
 Mary L. " 16
 Maggie A. " 13

6836 Monor Perry 23
 Roberson " 21
 Sage " 18
 Willis " 15

6837 James L. Edwards 18
 Lillie " 16

6840 Mary A. Clark 12
 Lucy " 12
 Wm " 10
 Henry " 8

6809

No.

1103

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 25 1903

Date

Name Samuel N. McGee.

Age 70 +

Blood Don't know

Post Office, Linton, I. I.

Father: + Walker McGee, d. 11/2

Mother: + Louisa, full " d.

Claims through both parents.

wife.

Maria McGee, I. negro,
and white.

No claim for wife -

Children:

Claims for self alone.

N. N. M.

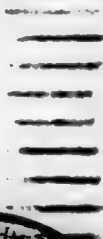
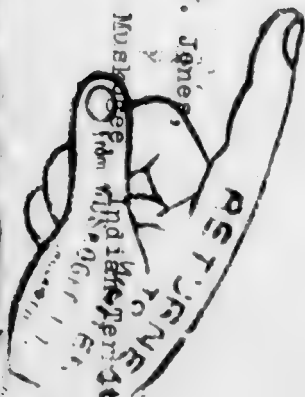
SEP 1963

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TERR.

6809

A. W. Jones,

Muskogee Indian Territory.



SEP 17 1905

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

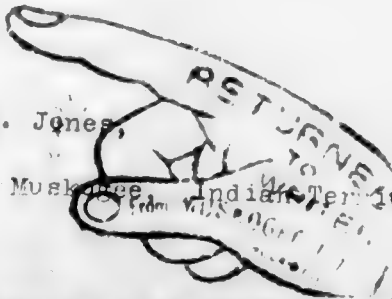


6809

A. W. Jones,

Muskogee, Indian Territory.

AUG 14 1905



Choctaw MCR 6810

Rhoda Weddle

MCR 6810

#6810.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 3, 1903.

In the matter of the application of Rhoda Weddle for the identification of herself and her two minor children, Christopher C. and Letitia A. Weddle, as Mississippi Choctaws.

M. S. Cobb and S. B. Daves, attorneys for applicants;
M. S. Cobb appearing at this hearing.

Rhoda Weddle being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Rhoda Weddle.
Q What is your age? A Fifty-two last September.
Q What is your post office address? A Honey Grove, Texas.
Q How long have you lived there? A About four months I believe, this time; I have been in Texas quite a while but have just been there about that long.
Q Where before that? A In Fannin County.
Q How long have you lived in Texas altogether? A About twenty-seven year I guess.
Q Where were you born? A Arkansas.
Q Where in Arkansas? A Clark County.
Q From there where did you go? A To Montgomery County.
Q From Arkansas did you go to Texas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Robert Jones.
Q What was your mother's name? A Malinda Jones.
Q You claim your Choctaw blood through your father or mother? A Father.
Q How much Choctaw blood do you claim? A One eighth.
Q Was your father one quarter Choctaw Indian? A One fourth.
Q Has your father ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I couldn't tell you.
Q Did he ever live in the Choctaw Nation, Indian Territory? A Yes sir.
Q When did he live there?

By Mr. Cobb, attorney for applicant: She didn't understand that, Judge,
, not in the Indian Territory.

By the Commission:

- Q I said the Choctaw Nation in the Indian Territory? A No sir.
Q You mean he lived in Mississippi in the Choctaw Nation? A Yes sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir, he's living, but we are not living together.
Q Is he the father of the minor children you want to apply for? A Yes sir.
Q What is his name? A Robert Weddle.
Q What is his race, an Indian or what? A White.
Q You don't make any claim for him then? A No sir.
Q You say you are not living with your husband now? A No sir.

Rhoda Weddle-----2

- Q Did you obtain a divorce from him? A Yes sir.
- Q Was the divorce granted to you? A It was granted to him.
- Q Who kept the children after the divorce? A I had the children.
- Q You have them now? A All except those that are of age.
- Q You have the minor children? A The oldest son and the minors are both living with me.
- Q What is the name of the oldest minor child? A Christopher C. Weddle.
- Q How old is he? A He is seventeen.
- Q The next one? A Letitia A. Weddle.
- Q How old is she? A Fourteen.
- Q These are all the minors you have? A Yes sir.
- Q You claim for yourself and these two children? A Yes sir, I have three sons of age.
- Q Is Robert Weddle the father of these two children? A Yes sir.
- Q And how long since you have lived with him? A About eight years.
- Q Is your name or are the names of your minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? Yes sir, I suppose so.
- Q If you are there is no necessity of your making application today? A No, we haven't been enrolled.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
- Q Have you ever made any such application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
- Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you make that claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article, or would you like to have it explained? A I would like to have it explained I believe.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The parties to this treaty were the government of the United States and the Choctaw Indians as a Nation, and the object of the treaty was to remove these Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of these Indians who preferred to stay back in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. The treaty was then signed, and afterwards on the 24th day of February, 1831, was ratified. Now, this article 14 under which you make your claim today is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizens of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification

Rhoda Weddle-----3

tion of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A My father did, so I have been told.
- Q Who do you claim your Choctaw blood through, going back to your ancestor who lived in Mississippi in 1830 if you can? A Grandmother.
- Q What was her name? A Grandmother Jones or Bop.
- Q What was her full name? A I cant tell you, Rebecca is all I know.
- Q Rebecca Jones isn't it? A Yes sir.
- Q That was her married name? A Yes sir.
- Q Her maiden name was B-o-p? A Yes sir.
- Q What was her husband's name? A William Jones.
- Q White man? A No sir, I think he was Indian blood too.
- Q Choctaw? A I dont know; I suppose he was Indian; I dont know just what.
- Q How much Choctaw blood did his wife, Rebecca, have? A One half I suppose.
- Q What makes you think she was one half Choctaw blood? A Well, I think thats what the older parents say.
- Q You get that information from members of the family back? A Yes sir.
- Q How old would Rebecca Jones be if she were living now? A Well, I couldn't tell exactly; she died about the year,-- she would be 'way over a hundred years old.
- Q You claim through your father, Robert Jones? A Yes sir.
- Q He claimed through whom? A His mother.
- Q What was h's mother's name? A Rebecca Bop was her maiden name.
- Q That is your grandmother? A Yes sir, my grandmother.
- Q Did your father ever live in Mississippi? A Yes sir.
- Q Was he born there? A No sir, I think not.
- Q Where was he born, do you know? He was born in Tennessee.
- Q You dont remember the date of his birth? A No sir, I dont know as I do.
- Q Do you know if any of your Choctaw ancestors lived in that old Choctaw Nation either in Mississippi or Alabama in 1830 and was the head of a family there then? A My father's people all lived there I think.
- Q In 1830? A I think the bigger portion of them lived there then.
- Q Did Rebecca Jones live there in 1830 and did she have a family there then? A Yes sir, the best I know she did.
- Q Did she or any Choctaw ancestor of yours go to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of the treaty of 1830? A Why, my father did I suppose.
- Q Well now, you are not supposed to suppose, you are supposed to know? A Well, I was too young to know, I just know what I have been told.
- Q Did you ever hear that your father went to Colonel Ward and tried to register in 1831 as a Choctaw Indian, 72 years ago? A I dont know anything about it.
- Q You said you supposed he did, but now you say you dont know? A I dont know, but I suppose he did, from what I have heard others say.
- Q What have you heard? A I heard them say he got land there and lost it.

Rhoda Weddle-----4

- Q What did you ever hear about Rebecca Jones, his mother, living in Mississippi or Alabama? A I dont remember hearing them say anything about her.
- Q Did either your father or his mother, Rebecca Jones, occupy land in the old Choctaw Nation for five years after the treaty of 1830 was ratified, and then get a patent from the government for that land? A I dont know; I just heard them say my father got land there and lost it.
- Q Never heard about Rebecca Jones getting land there and losing it? A No sir, I dont know anything about that.
- Q Do you know how old your father would be if living now? A Well, I can tell you--- he died I think--- he was sixty years old when he died--- he died in 1860 I believe.
- Q He would be a hundred years old now then? A He would be over a hundred years old, yes sir.
- Q He would be over a hundred years old now; he might have been living in Mississippi in 1830, that would be 73 years ago; now, do you know whether he was living in Mississippi and was married in 1830? A Yes sir, they lived there at that time, I suppose.
- Q Now, do you know whether he went to Colonel Ward and tried to register under article 14 of the treaty of 1830? A I dont know.
- Q You never heard he lived on land in that old Choctaw Nation for five years? A He taken up land there and lost it somehow.
- Q Didn't get a patent from the government, did he, for that land? A I dont know.
- Q Have you heard that he did? A No, I dont remember it.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know sir.
- Q Did you ever hear that any of them went from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40 at the expense of the government? A No sir.
- Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A Yes sir.
- Q Who did? A I think my father did.
- Q How about Rebecca Jones? A They lived there, but I couldn't tell you whether they owned land or not.
- Q Do you know what those improvements were, were they houses or buildings? A They were buildings, farm buildings.
- Q Who told you about that? A My father and mother has both talked about it.
- Q You were born in Arkansas? A Yes sir.
- Q Did your father and mother go from Mississippi to Arkansas? A I reckon they did.
- Q Were both your father and mother living when you were born in Arkansas? A Yes sir.
- Q And they used to live in Mississippi? A Yes sir.
- Q Then they must have gone to Arkansas; do you remember what year? Q They didn't go directly I dont think from Mississippi to Arkansas; they went from Mississippi, and then went to Arkansas.

Now, in 1837 a commission was appointed by an act of congress approved March 3rd of that year, and also in 1842 another commission was appointed by an act of congress approved August 23rd of that year; these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830 who stated that they had tried to register under article 14 of that treaty within six months after the ratification of the treaty, but because Colonel Ward, the agent would not allow them to register they had lost their lands in

Rhoda Weddle-----5

the old Choctaw Nation; they were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 and 1842 these two commissions were appointed.

- Q Did you ever hear that any of your Choctaw ancestors, your father or his mother, Rebecca Jones, or any other, went before either of these two commissions and claimed any rights or benefits under article 14 of that treaty? A My father taken up land there and lost it; thats all I remember about it.
- Q Now, answer the question if you will: did you ever hear that any of your Choctaw ancestors went before either of these two commissions? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana, or Arkansas? A I dont know.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to Choctaw Indians who proved their rights under article 14 of that treaty, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold at its public land sales.

- Q Do you speak the Choctaw language? A A little.
- Q How did you learn it? A I learned some of it from my brothers.
- Q Did you use to associate with the Indians? A I lived in the Indian Territory a little while.
- Q Did you learn to speak then? A Yes sir, I learned some of the Indian language from them, and some from my brothers.
- Q Can you carry on a conversation in the Choctaw language with the Choctaw Indians? A No sir.
- Q You know just a few words? A Yes sir, just a few words.
- Q Can you count in Choctaw? A I used to count ten in Choctaw.
- Q But you do not pretend to know the language well enough to converse in it? A No sir.

By Mr Cobb, attorney for applicant:

- Q Do you know Willis C. Jones of Hot Springs, Arkansas? A Yes sir.
- Q Do you know whether he has been before the Commission? A Yes sir.
- Q What relation is he to you? A Brother.
- Q How long has your mother been dead? A A year the 5th day of this month.
- Q What age was she when she died? A Ninety-six, would have been ninety-six the 15th day of May.
- Q Have you or have you not heard your mother speak about having lived in the Choctaw Nation in Mississippi in 1830? A Yes sir.
- Q Did she tell you that your father, Robert Jones, owned improvements in the Choctaw Nation in 1830 and 1831? A Yes sir.
- Q How old were you when your father died? A I was between eight and nine years old.
- Q Do you remember ever hearing your father speak about having lived in Mississippi in the Choctaw Nation in 1830 and 1831? A Yes sir.
- Q Can you state what year father said about it? A I can remember hearing him speak about taking up this land and losing it there, getting broke up there.

Rhoda Weddle-----6

- Q Did you ever hear Colonel Ward's name mentioned in connection with the taking of that land? A I dont remember.
- Q Now, you say your mother said he lost the land; did you hear why he lost it? A If I did I dont remember it.
- Q Did you have an uncle named Willis Jones? A Yes sir.
- Q Did you ever hear that Willis Jones killed an Indian in the summer of 1831 in the Choctaw Nation in Mississippi? A Yes sir.
- Q Did you ever hear that that killing was the cause of your father having to abandon his land? A Yes sir, thats my understanding.
- Q Did your father ever tell you he ever tried to get that land back? A Yes sir.
- Q Did he get it back? A No sir.
- Q Did he tell the reason he did not get it back? A Other parties got on the land.
- Q Do you know whereabouts in the Choctaw Nation this land was situated? A No sir, I couldn't tell you.
- Q Do you know if it was on the Tallahatchie river? A It was near the Tallahatchie river.

By the Commission: Mr. Cobb, would you like to have this case considered under the case of Willis C. Jones? A Yes sir.

The case of Willis C. Jones, W C R 5755, is here referred to for the purpose of consolidation.

This applicant will be allowed time to and inclusive of the 24th day of March, 1903, for the introduction of other testimony if desired in support of this application.

This applicant has the appearance and p hysical characteristics of being descended from white parentage; she has very dark hair, nearly black.

- Q Did your hair use to be black? A It was not real black, blacker than it is now.

She has blue eyes, dark complexion; has a little knowledge of the Choctaw language, enough to know a few words, but not to carry on a conversation or sustain a conversation; her knowledge of a compliance on the part of her ancestors with article 14 of the treaty of 1830 she derives from family history.

By Mr Cobb:

- Q Do you know if any of your relations claiming their Choctaw blood through Rebecca Jones nee Box or Hop have ever been admitted to citizenship in the Choctaw Nation by any authority whatever? A Yes sir.
- Q Who are they? A The Mitchells.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the aboveproceedings at Muskogee, Indian Territory, on the 3rd day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 14 day of March, 1903.

W H Martin
Charles B. Sawyer

Notary Public.

Muskogee, Indian Territory, March 17, 1904.

Rhoda Weddle,

Honey Grove, Texas.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including you and your children, Christopher C. and Letitia A. Weddle.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

C. R. Crockett
Commissioner in Charge.

Registered.

WCR 6810

COPY.

Muskogee, Indian Territory, January 23, 1906.

Rhoda Weddle,

Honey Grove, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which the application for the identification of yourself and your children as Mississippi Choctaws is a part.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner

6810.

No. 6810

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 5 1881

✓ ^{Index}
Name Rhoda Weddle

Age 52 Blood 1/8

Post Office, Honey Grove, Texas

Father: Robert Jones, d.

Mother: Malinda " d.

Claims through father, (1/4)
Husband

Robert Weddle, l. w
no claim for husband

Children:

~~John~~

✓ Christopher C. Weddle, 17

✓ Letitia A. " 14

Claims for self &
2 minors.

Stenographer W. H. Martin

RECEIVED

R. 68

Phoda Weddle et al

DECISION JAN 14 1904

NOTICE OF DECISION JAN 17 1904

NOTICE OF DECISION
ATTORNEYS FOR PLAINTS.

CHICKASAW NATIONS JAN 17 1904

ACTION APPROVED BY SECRETARY OF INTERIOR
JAN 17 1906

OFFICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR PLAINTS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR PLAINTS
JAN 24 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHICKTAW
AND CHICKASAW NATIONS.
JAN 23 1906

REFER TO M. C. R.

Choctaw MCR 6811

Joseph Weddle

MCR 6811

#6811.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 3, 1903.

In the matter of the application of Joseph Weddle for identification as a Mississippi Choctaw.

M. S. Cobb and S. B. Dawes, attorneys for applicant;
represented at this hearing by M. S. Cobb.

Joseph Weddle being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Joseph Weddle.
Q What is your age? A Twenty-three.
Q What is your post office address? A Pattonville, Texas.
Q How long have you lived there? A Four year.
Q Where did you live before you lived there? A Red River County, Texas.
Q How long have you lived in Texas? A All my life.
Q Born in Texas? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Robert Weddle.
Q What is your mother's name? A Rhoda Weddle.
Q You claim your Choctaw blood through your mother? A Yes sir.
Q She has been before the Commission today to be identified as a Mississippi Choctaw? A Yes sir.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Is she one eight Choctaw? A Yes sir.
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by any authority whatever in the Indian Territory? A No sir, not before today.
Q Today she made application simply to be identified as a Mississippi Choctaw hasn't she? A Yes sir.
Q Are you married? A Yes sir.
Q Your wife living? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A White woman.
Q What is her name? A Belle Weddle.
Q Have you any children? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q You do not make any claim for your wife? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever, either the Choctaw tribal authorities, the Dawes Commission or the United States court in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q This is your first application of any kind for citizenship in the Choctaw Nation? A Yes sir.
Q Do you now want to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Well, I dont know as I do thoroughly.

Joseph Weddle-----2

In 1830 on the 27th day of September at a place in Mississippi called Dancing Rabbit Creek the government of the United States and the Choctaw Indians made a treaty. The purpose of the government in making that treaty with the Indians at that time was to get their consent to go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaws would not go to the Choctaw Nation, Indian Territory, under the treaty, and therefore this article 14 was drafted and put into the treaty for their benefit. Then the treaty was signed and afterwards became ratified. This article 14 under which you are claiming today is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article 14 of that treaty? A Yes sir.
- Q Who did, do you know? A (No response)
- Q I mean now your relatives or your kin going back in a direct line, father, grandfather, or away back? A I dont know that they did.
- Q What is the name of your ancestor that you claim your right to be identified through? A My mother.
- Q Go back as far as you can? A Grandfather.
- Q Give the name? A William Jones--- Robert Jones.
- Q Robert Jones is your mother's father? A Yes sir.
- Q He got his Choctaw blood through whom, his father or mother? A From his father,-- mother.
- Q What was her name? A I dont recollect.
- Q You heard your mother give the name just a moment ago? A Rebecca.
- Q Rebecca Jones the mother of Robert Jones, is that right? A Yes sir.
- Q And her husband was named what, if you know? A I dont know.
- Q Did Rebecca Jones have Choctaw blood? A Yes sir.
- Q How much? A Why, I dont recollect.
- Q You heard your mother say a little while ago, didn't you? A Yes sir.
- Q Dont you remember what she said? A She said one half.
- Q Is it your understanding that Rebecca Jones was one half Choctaw blood? A Yes sir.
- Q Through what you have heard your mother say? A Yes sir.
- Q Of course I expect you know only what you have heard members of your family say; so when you say you dont know you mean by that that you dont know personally? A Yes sir.
- Q You can qualify your answers by saying where you get your information; we dont any of us know back any further than we were born only

Joseph Weddle-----3

from family history and tradition or from the records; now did you ever hear what the name of Rebecca Jones's husband was; did you ever hear your mother say, or do you remember? A No sir, I dont remember.

Q Did he have any Choctaw blood? A I dont know.

Q Do you remember whether Rebecca Jones or did you ever hear that she ever lived in Mississippi in 1830 and had a family there at that time? A Yes sir.

Q Do you know whether she within six months after the treaty of 1830 was ratified went to the United States Indian Agent, Colonel Ward, and told him that she wanted to stay in Mississippi, take land there and become a citizen of the states? A Yes sir.

Q Do you know whether she did register under article 14 of the treaty of 1830, or whether she simply tried to register? A Yes sir.

Q Which? A I suppose she registered.

Q Did she receive land in Mississippi under article 14 of the treaty of 1830? A Yes sir.

Q What became of that land? A They lost it some way.

Q Was any patent or deed of that land given to any ancestor of yours by the government? A I dont understand the question exactly?

Q Did any Choctaw ancestor of yours live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified and then get a patent or deed of that land from the government? A I dont know.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw nation in 1830? A I dont know.

Q Did any of your Choctaw ancestors own or claim any land in the old Choctaw nation under article 14 of the treaty of 1830? A Yes sir.

Q But you dont know what became of it? A No sir.

Q Who held the land in the old Choctaw Nation? A Grandfather.

Q Robert Jones? A Yes sir.

Q Did you ever hear that Rebecca, his mother, ever held any land in the old Choctaw Nation in Mississippi or in Alabama? A Yes sir.

Q Did both she and her son, Robert, hold land there? A Well, I dont know.

Q Do you know whether they claimed it under article 14 of the treaty of 1830? A Yes sir.

Q You are sure about that; where did you get your information? A From my mother.

Q Whatever you know about this you heard your mother state, is that right? A Yes sir.

Q Did any Choctaw ancestors of yours go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, between 1833 and 1838 or '40? A Not that I know of.

Q Or any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir, not that I know of.

Q Can you give any further information about your grandfather, Robert Jones, or his mother, Rebecca Jones, holding land in the old Choctaw Nation, where that land was located, how it was bounded, where it went to? A No sir.

Q How old would Rebecca Jones be if living now? A I dont know.

Q Did she have a Choctaw Indian name? A I dont know.

Q Did she speak the Choctaw language? A I dont know.

Q Did Robert Jones, her son? A I dont know.

Q Did you ever hear that any of your Choctaw ancestors went before the commission of 1837 or before the commission of 1842 and claimed any rights under article 14 of the treaty of 1830 as Choctaw Indians? A Yes sir.

Joseph Eddle-----4

- Q Before which commission did they go? A I dont know.
Q How do you know they went before either? (No response)
Q Did anybody tell you that in the family? A From hearsay.
Q Hearsay in the family? (No response)

These commissions were appointed by various acts of congress because of the complaints made by Choctaw Indians that they had registered or attempted to register under article 14 of the treaty of 1830, and because the United States Indian Agent, Colonel Ward, refused to register these Indians or neglected to register them the government officials had taken their land from them in the old Choctaw Nation and sold it at its public land sales.

- Q Did you ever hear that any of your Choctaw ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Yes sir.
Q Who was it received scrip from the government,? A My grandfather.
Q Your grandfather, Robert Jones? A Yes sir.
Q Who told you that? A Through my mother.
Q She didn't say anything about that when she test fied; now, are you sure about that? A I dont know whether I understood that theroughly or not.
Q You are twenty-three years old? A Yes sir.
Q Then you are plenty old enough to understand those questions, and you are old enough if you dont understand the questions to have them explained before answering. Do you know what is meant by the word "scrip"? A No sir.

Scrip in this sense means a certificate. In 1842 a commission was appointed by an act of Congress approved August 23rd of that year, and this commission after hearing the complaints of Choctaw Indians who claimed rights under article 14 of the treaty of 1830 had the power to issue these certificates or this scrip to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and secondly proved that their land had been taken from them; then when they received this scrip or these certificates they could select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which the government had taken from them in the old Choctaw Nation and sold.

- Q Now, do you mean to say that your grandfather, Robert Jones, or any other Choctaw ancestor of yours, received any such scrip from the government? A Not that I know anything about.
Q Then you want to change your testimony in that respect do you? A I didn't understand that question.
Q Do you understand of speak the Choctaw language? A No sir.
Q What relation is Willis C. Jones to you? A An uncle.
Q He has been before the Commission to be identified as a Mississippi Choctaw; do you want to have your case considered under his application? A Yes sir.

The case of Willis C. Jones, No. R 6705, is here referred to for the purpose of consolidation.

This applicant will be allowed time to and including the 24th day of March, 1903, for the introduction of other testimony in this case if he desires.

By Mr Cobb, attorney for applicant:

- Q Do you know whether any of your relation claiming their Choctaw blood through Rebecca Jones, nee Box or Hop, have ever been admitted or enrolled as Choctaw Indians in the Indian territory? A Yes sir.

Q Who are they? A Mitchell.

Joseph Weddle-----5

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair, blue eyes, medium dark complexion; does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with the provisions of article 14 of the treaty of 1830 except from family history and tradition.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 3rd day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin
Subscribed and sworn to before me this 19 day of March, 1903.

Charles H. Sawyer

Notary Public.

M.C.R.6811

Muskogee, Indian Territory, March 17, 1904.

Joseph Waddle,

Pattonville, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

COPY.

MCR 6811

Muskogee, Indian Territory, January 23, 1906.

Joseph Weddle,
Pattonville, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which the application for your identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

6811

No. 6811

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 3 1903

Name

Joseph Weddle

Age

23

Blood

1/16

Post Office,

Pattonville, Texas.

Father:

Robert Weddle, l.

Mother:

Rhoda " l.

Claims through

mother, 1/8

wife.

Belle Weddle l. w.

No claim for wife

~~Children:~~Claims for self
alone

Monographer

W. H. Martin

FOR IDENTIFICATION

R. 68

MISSISSIPPI CHOCTAW

Joseph Widdle

DECISION RENDERED

MAR 1 1904

NOTICE OF DECISION

APPLICANT. MAR 17 1904

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

1904

NOTICE OF DECISION FORWARDED
FOR CHOCTAW AND CHICKASAW NATIONS.

ACTION APPROVED BY SECRETARY OF INTERIOR

JAN 1 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED

JAN 23 1906

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. H.

Choctaw MCR 6812

Samuel G. Wood

MCR 6812

#6812.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 3, 1903.

In the matter of the Application of Samuel G. Wood for the identification of himself and his two minor children, Venice and Grace Wood, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants; represented at this hearing by J. A. Veasy.

Samuel G. Wood being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Samuel G. Wood.
Q What is your age? A Thirty-seven.
Q What is your post office address? A Forsyth, Missouri.
Q How long have you lived there? A Eight years.
Q Where were you born? A Born in Taney County, Missouri.
Q Have you always lived in Missouri? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Henry Wood.
Q What is your mother's name? A Adlida Wood.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One sixteenth.
Q Do you claim he is one eighth? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I think not.
Q Do you know when and where your father and mother were married? A They were married in 1864 in Webster County, Missouri.
Q Do you know the day of the month? A No sir, I don't know as I do; I think it was in August.
Q By a minister under a license? A Yes sir.
Q Have you the proof of their marriage with you now? A No sir; I have not.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her race? A She is English descent.
Q You don't make any claim for her? A No sir.
Q What is her name? A Emma L. Wood, her maiden name was DeWitt.
Q Have you two children? A I have.
Q What is the name of the oldest? A Venice.
Q How old is she? A Three years old.
Q The next? A Grace, she is one.
Q You claim for yourself and these two children? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.

Samuel G Wood-----2

- Q Do you come before the Commission at this time to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I dont know whether I understand it or not; I understand it to some extent.

In 1830 a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit creek in the state of Mississippi. The date of this treaty was the 27th day of September of that year. The government made the treaty with the Indians in order to get their consent to go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty; therefore in order to protect their interests some provision had to be made for those Indians who stayed back in the old Choctaw Nation. That provision was contained in article 14 of the treaty of 1830, which was added to the treaty before it was signed. That is the article under which you claim today, and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I dont know only as it has come to us by tradition.
- Q What is the name of the ancestor that you claim through today? A Alabeth Freeman or Ball.
- Q What was her husband's name? A Aaron Freeman.
- Q A white man? A Yes sir.
- Q How much Choctaw blood did Alabeth Ball have? A I understand she was one half Mississippi Choctaw.
- Q What relation was she to you? A My father's grandmother.
- Q Your great grandmother? A Yes sir.
- Q You claim through your father, and he claimed through whom? A His mother, and his mother claimed through Alabeth Freeman.
- Q What was his mother's name? A Viney Freeman or Viney Wood.
- Q Did she or her mother, Alabeth, live in Mississippi? A My understanding is she lived in Alabama about 1827, 8 and 9, somewhere along there.
- Q Did your grandmother live with her there? A Viney Freeman?
- Q Yes? A Yes sir, of course she lived there.
- Q Do you know whether she lived in the old Choctaw Nation in Alabama? A I dont know; I dont know that I ever heard; I understand she lived

Samuel G Wood-----3.

- part of the time in Alabama; they said she went there to register.
- Q You think your grandmother, Alabath, was living in Alabama in 1830, and had a family there at that time? A Yes sir.
- Q Did she or any of your Choctaw ancestors go to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of the treaty of 1830? A My understanding is Alabath Freeman went to register.
- Q Did she register, or not? A No sir, she didn't register.
- Q What did she do after that? A Well, she went--- I dont know whether she went back to North Carolina at that time or whether she went down in Alabama; shortly after that though they went to North Carolina and then to Missouri.
- Q Did any of your Choctaw ancestors, Alabath Freeman or any other, live on land in the old Choctaw Nation, either in Mississippi or Alabama, for five years after the treaty of 1830 was ratified and then get a patent from the government for that land? A I never heard they did.
- Q Did any of your Choctaw ancestors claimor occupy any land in that old Choctaw nation under article 14 of the treaty of 1830? A Not since Alabath Freeman.
- Q Did she? A She undertook to get enrolled.
- Q Did she occupy land there? A No sir, not that I know of.
- Q Did she or any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A If they did I dont know it.
- Q Did you ever hear that any Choctaw ancestors of yours went from the old Choctaw Nation to the Choctaw Nation, Indian Territory, between 1833 and 1838 with the other Indians? A No sir, I never heard anything of that kind.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I dont know whether they did or not.

In 1837 a commission was appointed by an act of Congress approved March 3rd of that year, and in 1842 another commission was appointed by an act of Congress approved August 23rd of that year. These commissions were appointed to hear the complaints of Choctaw Indians who had attempted to register under article 14 of the treaty of 1830, and because Colonel Ward neglected to register them or refused to allow them to re-ister these Indians lost the land which they occupied in the old Choctaw Nation; that land was taken from them by the government and sold at its public land sales. As this act was due not to the negligence of the Indians, but to the negligence and carelessness of the government agent these commissions were appointed, one in 1837 and the other in 1842, to right the wrongs that had been done, and to give them the right to select land in place of the land that had been taken from them.

- Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed any rights under article 14 of that treaty? A No sir, I do not.

In 1842 by an act of congress approved August 23rd of that year scrip was issued, which scrip or certificates entitled the Indian holder to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land that they had formerly held in the old Choctaw Nation and which the government had taken from them.

Samuel G Wood-----4

- Q Did you ever hear that any of your Choctaw ancestors received any of this scrip? A Never did.
- Q Do you understand or speak the Choctaw language? A No sir.
- Q Are you related to John H. Bennight? A Yes sir, I think so, but I dont know just what relation.
- Q He has made application to be identified as a Mississippi Choctaw claiming through Alabeth Freeman or Ball; is that the same Alabeth Freeman that you claim through? A I suppose it is; that my understanding.
- Q Do you want to have this application considered under the head of the case of John H. Bennight?

By Mr. Veazy, representing applicant: Yes sir.

By the Commission: The case of John H. Bennight, et al., W C R 6205, is here referred to for the purpose of consolidation.

This applicant is allowed time to and including the 24th day of March, 1903, for the purpose of introducing other proof in this case if he desires.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair; medium fair complexion; light brown mustache; blue gray eyes; does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830 except family history and tradition.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 3rd day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 19 day of March, 1903.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, March 28, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 21st instant, enclosing the affidavits of Isiah Collins, Surilda J. Wood and Lorenza D. Wood, relative to the marriage of Samuel Wood and Vina Freeman, which you offer for filing in support of the application made by Samuel G. Wood for the identification of himself and minor children as Mississippi Choctaws. Said affidavits have been filed with the record in this case.

Respectfully,

Chairman.

M C R 7161
M C R 6812
M C R 6814

Huskogee, Indian Territory, March 28, 1903.

Thomas & Harrison,
Attorneys at Law,
Huskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 23rd instant, enclosing certified copy of marriage certificate between O. H. Collier and Eva Long offered in support of the application made by Eva Collier for the identification of herself and minor child as Mississippi Choctaws.

Also certified copy of marriage license and certificate between S. G. Wood and Anna L. DeWitt offered in support of the application made by Samuel G. Wood for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between C. P. Wood and Mary Elizabeth Chandler offered in support of the application made by Columbus P. Wood for the identification of himself and minor children as Mississippi Choctaws.

The above mentioned documents have been filed in their respective cases.

Respectfully,

Chairman.

M C R 6812
M C R 6814

Muskogee, Indian Territory, April 10, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing affidavit of Samuel G. Wood and joint affidavit of Adlida and Henry Wood, offered in support of the application made by Samuel G. Wood for the identification of himself and minor children as Mississippi Choctaws; also affidavit of C. P. Wood and Sebastian Walz, offered in support of the application made by Columbus P. Wood for the identification of himself and minor children as Mississippi Choctaws. Said documents have been filed in the respective cases.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 28, 1904.

Samuel G. Wood,
Forsyth, Missouri.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant, in reply to our letter of May 17th, and the Commission is now able to identify you upon its records as the Samuel G. Wood, who, on March 3, 1903, made application to this Commission for the identification of himself and two minor children, Venice and Grace Wood, as Mississippi Choctaws, claim rights to such identification by reason of being descendants of one Alabeth Freeman, an alleged Mississippi Choctaw Indian.

In reply to your letter you are advised that the Commission has not, up to the present time, passed upon your rights to such identification. However, when a decision is rendered in your case, you will be duly notified of such action as may be taken.

Respectfully,

Chairman.

COPY:

M. C. R. 6812.

Muskogee, Indian Territory, June 15, 1904.

Samuel G. Wood,

Forsyth, Missouri,

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Venice Wood and Grace Wood.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

Tamc Dixby.

Chairman.

Registered.

M.C.R. 6812.

Muskogee, Indian Territory, May 8, 1905.

Samuel G. Wood,

Forsyth, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6812.

No. 6812

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 3 1861

✓ Name Samuel G. Wood

Age 37.

Blood

1/16

Post Office,

Forsyth, Mo.

Father:

Henry Wood, l.

Mother:

Addida .. l.

Claims through

father '18
Wife.

Emma L. Wood, l.w.
No claim for wife,

Children:

✓ Venice Wood, 3

✓ Grace .. 1

Claims for self
and 2 minors

Stenographer

W. H. Martin

FOR INFORMATION
AND SIGNATURE

REFUSED

Samuel G. Wood et

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 15 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT
AUG 1 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

MAY 1 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

3 R.
625

Choctaw MCR 6813

Henry Wood

MCR 6813

#6813.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 3, 1903.

In the matter of the application for the identification of
Henry Wood as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant; represented
at this hearing by J. A. Veazy.

Samuel G. Wood, being duly sworn, testifies with reference to
the application for identification as a Mississippi Choctaw which he
makes for his father, Henry Wood, as follows:

Examination by the Commission.

- Q What is your name? A Samuel G. Wood.
Q What is your age? A Thirty seven.
Q What is your post office address? A Forsyth, Missouri.
Q Are you an applicant for identification as a Mississippi Choctaw
yourself? A I am.
Q Do you want to make application now for the identification of
your father, Henry Wood? A Yes sir.
Q Do you introduce this power of attorney from your father authorizing
you to make this application for him? A Yes sir.

Power of attorney signed by Henry Wood, by his mark, and wit-
nessed by two witnesses, properly acknowledged before a Notary
Public, presented by Samuel G. Wood, received, filed, marked "Exhibit
A", and made a part of the record in this case.

- Q This doctor's certificate also as to your father's condition you
wish to file? A Yes sir.

Doctor's certificate signed by F. V. Baldwin, M. D., properly
signed and sworn to, is presented by Samuel G. Wood, received, filed,
marked "Exhibit B", and made a part of the record in this case.

- Q What is your father's age? A Sixty six.
Q What is his post office address? A Walnut Shade, Missouri.
Q How long has he lived there? A Since '65, about thirty nine
years I guess.
Q Where was he born? A He was born in Buncombe County, North Caroli-
na.
Q Did he go from North Carolina to Missouri? A Yes sir.
Q What is his present physical condition? A It is pretty bad; pretty
near a total invalid; he has been confined to his bed for fifteen
years about,-- thirteen years.
Q What is the matter? A Nervous paralysis.
Q Is his father living? A No sir.
Q Is his mother living? A No sir.
Q What was his father's name? A Samuel Wood.
Q What was his mother's name? A Vina Wood, maiden name Freeman.
Q Does he claim through his father or mother? A His mother.
Q How much Choctaw blood has your father? A One eighth.
Q Was his mother one quarter Choctaw? A One fourth.
Q Has she ever been recognized or enrolled as a Choctaw Indian by
the Choctaw tribal authorities or the United States authorities in
the Indian Territory? A Not that I knew anything about.

Henry Wood-----2.

- Q Is your father's wife living? A Yes sir.
Q That is your mother? A Yes sir.
Q What is your mother's name? A Adlida Wood.
Q She is a white woman? A Yes sir.
Q Do you make any claim for your mother? A No sir.
Q Are there any children of Henry Wood that you want to make application for now under twenty one and unmarried? A No sir.
Q You just make application for your father, Henry Wood, alone? A Yes sir.
Q Is your father's name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I think not.
Q Has he ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir, not that I know of.
Q Has he ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Do you want to identify him now as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830 for him? A Yes sir.
Q When you make application for yourself a few minutes ago that article was read and explained to you; do you understand it do you think now? A I think I do.

The article itself is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of the Choctaw ancestors of your father comply or attempt to comply with that article of that treaty? A I dont know.
Q What is the name of the ancestor through whom your father makes his claim? A He makes it through Alabeth Freeman, his grandmother.
Q She was one half Choctaw was she? A Yes sir.
Q He claims through which parent? A His mother.
Q Vina Wood, and she was a Freeman? A Yes sir.
Q And her mother was Alabeth? A Yes sir.
Q And her father was Aaron Freeman? A Yes sir.
Q Alabeth Freeman was Alabeth Ball before she married? A Yes sir.
Q Did she live in Mississippi or Alabama in 1830 and have a family there then? A I think she had a family there then; I am of the opinion that in 1830 she was in North Carolina, but prior to 1830 she lived in Alabama, but at that time she lived in North Carolina; just prior to that she lived in Alabama is my recollection.
Q Did she or anybody for her go to Colonel Ward within six months after the treaty of 1830 was ratified and try to register under

Henry Wood-----3

article 14 of that treaty? A My understanding is she went.

Q Did she register? A No sir.

Q Did she go from North Carolina to Mississippi to register herself?

A That has been my understanding.

Q Did she go alone or did her husband go? A I dont know sir.

Q What did she do after she attempted to register? A She went back here to North Carolina I think.

Q She didn't stay there then and occupy land in Mississippi? A No sir, she was turned away and my understanding is she went back.

Q Did she go to Colonel Ward within six months after the treaty was ratified and try to register under that article? A That is my understanding, yes sir.

Q Did Alabeth Freeman or any Choctaw ancestor of your father live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and at the end of that time get a patent from the government? A Not that I know of.

Q Did you ever hear that any of the Choctaw ancestors of your father, or of your own, went from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory--- A I understand that Alabeth Freeman--- that some of her relatives resided on some of these lands, but I dont know just what lands it was.

Q Lands in the Choctaw Nation, Indian Territory? A No, in Mississippi.

Q Now did any of them go from Mississippi across the Mississippi river west to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.

Q Didn't go with the other Indians between 1833 and 1838? A I dont know.

In 1837 and also in 1842 commissions were appointed which heard claimants under article 14 of the treaty of 1830. These commissions were appointed because of the complaints of Choctaw Indians who claimed that they had attempted to register under article 14 of the treaty of 1830 within six months after the ratification of the treaty, but that Colonel Ward had refused to register them, and as a result of his refusal their lands had been taken from them by the government and sold.

Q Did you ever hear that any of your Choctaw ancestors or the ancestors of your father went before either of these two commissions and claimed any benefits under article 14 of the treaty of 1830? A Those commissions of 1837?

Q 1837 and 1842? A No.

Q Did any of your father's ancestors receive any scrip or certificates from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I ever heard of.

Q Has your father a Choctaw Indian name? A No sir.

Q Does he speak Choctaw? A No sir; well, I have heard him speak a few words, but I dont know where he got them or anything about that.

Q He does not understand the Choctaw language? A No sir.

Q What relation is John H. Bennight to him? A I dont know sir.

Q Is he some relation of your father? A Yes sir, but I dont know what relation.

Q Do you want to have that case referred to?

By Mr. Veazy, representing applicant: Yes sir.

Henry Wood-----4.

By the Commission: This application made by Samuel G. Wood for his father, Henry Wood, is to be considered under the head of the application of John H. Bennight, et al., M C R 6255, to which reference is here made for the purpose of consolidation.

Time will be allowed in this case for the introduction of other testimony to and including the 24th day of March, 1903.

By Mr. Veasy:

Q Alabeth Freeman was living in Alabama in 1828 and 1829, and then went to North Carolina? A Yes sir.

Q And then she went from North Carolina to Mississippi in 1830 for the purpose of registering? A Yes sir, that's been my understanding.

By the Commission:

Q What is your father's physical appearance as to whether he looks like an Indian or not? A He is very dark.

Q Black eyes? A Yes sir.

Q Black hair? A Yes sir, black hair when he was young; it is very gray now.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 3rd day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 19 day of March, 1903.

W H Martin
Charles H. Sawyer
Notary Public.

COPY.

M. C. R. 6813.

Muskogee, Indian Territory, June 15, 1904.

Samuel G. Wood,
Walnut Shade, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including Henry Wood.

You are further notified that the applicant will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Registered.

Tams Dixby.

Chairman.

M.C.R. 6813.

Muskogee, Indian Territory, May 8, 1905.

Henry Wood,

Walnut Shade, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6813

No. 6813

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 3 1903

✓ Name Henry Wood (by
 Samuel Es. Wood.)
 Age 66 Blood 1/8

Post Office, Walnut Shade, Mo.

Father: Samuel Wood, d

Mother: Vina " d

Claims through mother 1/4
 wife Adhida Wood, w. l.

No claim for wife -

~~Children:~~

Claims for father
 Henry Wood,
 alone

Stenographer

W. H. Martin

FOR IDENTIFICATION AS R. C.
A MISSISSIPPI INDIAN

Henry Wood
REFUSED

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 20 1904

NOTICE OF DECISION
FORWARDED ATTORNEY

FOR APPLICANTS

JUN 15 1904

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKSAW NATIONS

RECORD FORWARDED DEPARTMENT.

APR 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 2 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR
AND CHICKSAW NATIONS

REFER TO M. C. R.

6255

Choctaw MCR 6814

Columbus P. Wood

MCR 6814

#6814.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 3, 1903.

In the matter of the application of Columbus P. Wood for the identification of himself and his three minor children, Lella, Florence, and Wesley W. Wood, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants; represented
at this hearing by J. A. Veazy.

Columbus P. Wood being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Columbus P. Wood.
Q How old are you? A About thirty one; born in 1872.
Q What is your post office address? A Walnut Shade, Mo.
Q How long have you lived there? A All my life.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Henry Wood.
Q What is your mother's name? A Adlida Wood.
Q Do you claim through your father or mother? A Father.
Q How much Choctaw blood do you claim? A About a sixteenth.
Q Is your father one eighth? A Yes sir.
Q Has he been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, I reckon not.
Q Your brother, Samuel G. Wood, has just made application for your father, has he not? A Yes sir.

The application of Samuel G. Wood for himself, brother of this applicant, M C R 6812, and also the application made by his brother for Henry Wood, father of this applicant, M C R 6813, are referred to.

- Q Do you know where your father was married and when? A In Webster County in 1864 I believe.
Q Do you remember the day of the month? A No sir, I dont.
Q Were they married by a minister under a license? A By a Justice of the Peace, yes sir.
Q Is your wife living? A Yes sir.
Q What is her race, is she an Indian or a white woman? A White woman.
Q What is her name? A Lizzie Wood.
Q Have you any children? A Yes sir.
Q How many? A Three.
Q What is the name of the oldest? A Lella.
Q A girl? A Yes sir.
Q How old is she? A Five.
Q What is the name of the next? A Florence.
Q How old is Florence? A Three.
Q The next? A Wesley W. Wood.
Q How old? A Eight months old.
Q You claim for yourself and these three children? A Yes sir.
Q Is your wife, Lizzie, the mother of these children? A Yes sir.
Q When were you married to her and where? A Walnut Shade; we have been married about six years; I dont recollect exactly what date.
Q Have you the proof of your marriage with you? A No sir, I have got the marriage certificate at home.

Columbus P. Wood-----2

- Q Were you married by a minister under a license? A Justice of the Peace.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A I have not.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any authority whatever? A No sir.
- Q This is your first application for yourself and them? A Yes sir.
- Q Do you want to identify yourself and children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand it? A Well, I think I do; I am a little bit hard of hearing; and some of it I couldn't understand plain; I think I understand it tolerably well.
- Q Do you think you understand it well enough to claim under it now? A I think I do, yes sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty? A No sir.
- Q What is the name of your ancestor that you claim through now? A My great great grandmother.
- Q Is it your great great grandmother or your great grandmother? A My great great grandmother, Alabath Freeman, that's my father's grandmother.
- Q That would be your great grandmother, not great great grandmother, A That's my father's grandmother.
- Q That would be your great grandmother, your father's grandmother and your great grandmother? A Maybe it is.
- Q If that is your father's grandmother it couldn't be your great great grandmother? A No sir.
- Q Her name is Alabath Freeman? A Yes sir.
- Q She was a Ball before she married? A Yes sir.
- Q Her husband was Aaron Freeman? A Yes sir.
- Q Where did she live in 1830 and 1831, do you know? A In Mississippi I think.
- Q Did she have a family living there with her in 1830? A I think so.
- Q Did she try to register under article 14 of the treaty of 1830? A That's my understanding.
- Q Did she go to Colonel Ward within six months after the treaty of

Columbus P. Wood-----3

- 1830 was ratified and try to register? A Yes sir.
- Q Did she register? A No, she didn't register.
- Q Why not? A She was refused by some means.
- Q What did she do then? A She went back.
- Q Back where? A To Mississippi where she was living.
- Q Went back to Mississippi? A Yes sir, I think so.
- Q Did she ever live in North Carolina? I think so.
- Q When, do you know? A No sir, I do not.
- Q Did she live on land in Mississippi or Alabama for five years and then get a patent from the government? A No sir.
- Q She never got any patent for land in Mississippi or Alabama? A No sir, not as I know of.
- Q Did any Choctaw ancestor of yours get any such patent? A No sir/
- Q Did any Choctaw ancestor of yours go from Mississippi or Alabama from the old Choctaw Nation to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not as I know of.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of them go before the Commission of 1837 or the commission of 1842 and claim any benefits under article 14 of the treaty of 1830? A No sir, I think not.

A good many Choctaw Indians tried to register under article 14 of the treaty of 1830 within six months from the ratification of the treaty, and because Colonel Ward refused to allow them to register these Indians had their land taken from them in the old Choctaw Nation and sold by the government. In order to give them a fair hearing these commissions were appointed, one in 1837 and the other in 1842; they went to Mississippi and heard claimants under that article of that treaty.

- Q Did you ever hear that any of your Choctaw ancestors went before either of them, either of these commissions? A I think she went before a commission, but it was in 1830 wasn't it?
- Q That was before the Indian agent in 1830; I am talking now about the commissions later on? A Well, I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23rd, 1842.

- Q Do you speak the Choctaw language? A No sir.
- Q What relation if any is John H. Bennight to you? A I don't know.
- Q Is he any relation to you? A I think he is, but I couldn't tell you.
- Q He claims through Alabeth Freeman nee Ball, is that the same ancestor through whom you claim? A Yes sir.
- Q Do you want to have this case connected with his?

By Mr Voazy, representing applicant: Yes sir.

By the Commission: The case of John H. Bennight, et al., M C R 6205, is here referred to for the purpose of consolidation.

This applicant is allowed time to add including the 24th day of March, 1903 for the introduction of other testimony in this case.

Columbus P. Wood----4.

By Mr Veazy:

- Q Did your ancestor, Alabeth Ball, live in Mississippi in 1830 and was the head of a family? A Yes sir.
- Q How long did she remain there after that time? A I dont know.
- Q Have you ever heard that between 1825 and 1830 she lived in Alabama? A Yes sir.
- Q Where did she go to from Alabama? A It seems like North Carolina.
- Q Did she go from North Carolina then to Mississippi? A Yes sir.
- Q For what purpose did she go to Mississippi? A I dont understand the question?
- Q Why did she go to Mississippi in 1830; why did she return from ~~Mississippi~~ North Carolina to Mississippi in 1830? A I dont know.
- Q You understand the question dont you? A I cant say that I do.
- Q You testified that in about 1830 she tried to register before Colonel Ward, the United States Indian Agent, in order to obtain land? A Yes sir.
- Q You also testified that she returned from North Carolina about that time? A Yes sir.
- Q What was her purpose in retruning from North Carolina to Mississippi? A She lived there I suppose.
- Q Was her purpose also to register? A Yes sir.
- Q Have you heard that? A Yes sir.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; black hair; black eyes; mustache is nearly black, dark brown; he does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830, except family history and tradition.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 3rd day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin
Subscribed and sworn to before me this 19 day of March, 1903.

Charles H. Sawyer

Notary Publ c.

M C R 7161
M C R 6812
M C R 6814

Muskogee, Indian Territory, March 28, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 23rd instant, enclosing certified copy of marriage certificate between O. H. Collier and Eva Long offered in support of the application made by Eva Collier for the identification of herself and minor child as Mississippi Choctaws.

Also certified copy of marriage license and certificate between S. G. Wood and Emma L. DeWitt offered in support of the application made by Samuel G. Wood for the identification of himself and minor children as Mississippi Choctaws.

Also certified copy of marriage license and certificate between C. P. Wood and Mary Elizabeth Chandler offered in support of the application made by Columbus P. Wood for the identification of himself and minor children as Mississippi Choctaws.

The above mentioned documents have been filed in their respective cases.

Respectfully,

Chairman.

M C R 6812

M C R 6814

Muskogee, Indian Territory, April 10, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the 8th instant, enclosing affidavit of Samuel G. Wood and joint affidavit of Adlida and Henry Wood, offered in support of the application made by Samuel G. Wood for the identification of himself and minor children as Mississippi Choctaws; also affidavits of C. P. Wood and Sebastian Walz, offered in support of the application made by Columbus P. Wood for the identification of himself and minor children as Mississippi Choctaws. Said documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY:

M. C. R. 6814

Muskogee, Indian Territory, June 15, 1904.

Columbus P. Wood,

Walnut Shade, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Lella Wood, Florence Wood and Wesley W. Wood.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECEIVED

James D. Doby.

Registered.

Chairman.

M.C.R. 6814.

Muskogee, Indian Territory, May 6, 1905.

Columbus P. Wood,

Walnut Shade, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaw, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6814 ✓ No. 6814

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 3 1903

Date

Name Columbus P. Wood

Age 31 — Blood 1/16

Post Office, Walnut Shade, Mo.

Father: Henry Wood l.

Mother: Adlida " l.

Claims through father, 1/8

Wife

Lizzie Wood — l. w.

Children:

✓ Lella Wood, 5

✓ Florence " 3

✓ Wesley W. " 8 m

Claims for self
and 3 minors

Stenographer

W. H. Martin

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

REFUSED

Columbus P. Wood

DECISION RENDERED JUN 15 1904

**NOTICE OF DECISION FORWARDED
APPLICANT**

JUN 20 1904

**NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS**

**NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS**

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

JUN 21 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

APR 21 1905

**NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.**

MAY 15 1905

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.**

**NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.**

REFER TO W. J. P.

6255

Choctaw MCR 6815

John C. Billings

MCR 6815

#6815.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 4, 1903.

In the matter of the application of John C. Billings for the identification of himself as a Mississippi Choctaw.

John C. Billings being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A John C. Billings.
Q What is your age? A Twenty-five.
Q What is your post office address? A Little Rock, Arkansas.
Q How long have you lived at Little Rock? A I have lived there--- well, I have not been in the city for a few months, but I am going back to finish a commercial course; I have lived near Little Rock for six years.
Q Where were you born? A Yell County.
Q Have you always lived in Arkansas? A Yes sir.
Q Your father's name is what? A John B. Billings.
Q He is living? A Yes sir.
Q Your mother's name is what? A Catherine Billings.
Q She is living? A Yes sir.
Q She has made application to be identified as a Mississippi Choctaw? A Yes sir.

Her case, M C R 6462, is here referred to in this connection.

- Q What relation is John T. Draper to you? A I have a cousin we call John Draper, but I cant tell you positively whether it is John T. or not.
Q Well, a man named John T. Draper has made application to be identified as a Mississippi Choctaw; he lives at New Hope, Arkansas? A Yes sir, thats where he lives.
Q His father was Thomas J. Draper? A Yes sir.
Q And mother Mary? A Yes sir, thats the same man.
Q Do you want to have your case consolidated under his application? A Yes sir.

The case of John T. Draper, M C R 6410, is referred to for the purpose of consolidation.

- Q You claim your Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A Well, I couldn't tell you exactly; I dont know unless it is one eighth.
Q Can you swear to one eighth? A By studying a few minutes--- no, I Couldn't swear to it, because I am not positive; I really dont know what one eighth would be, thats the truth about it.
Q Well, the Choctaw blood is this way: If you had an ancestor who is a full blood, then if you had another ancestor, a son of that one, that person would be one half; the next in descent would be one quarter, and the next would be one eighth, and the next would be one sixteenth, and so on; but you dont know exactly? A No sir.
Q You dont know how much your mother claimed? A I can trace it back in a few minutes.
Q All right, trace it back? A Her mother was Alice Jones, her father was Andy Jones who married Rebecca Box and Rebecca Box was the daughter of Box; she was the daughter of Box, and that would be-----

John C Billings-----2

- Q How much was Rebecca or Becky Box? A She was the daughter of an Indian.
- Q Do you claim she was one half Choctaw? A She must have been, yes sir.
- Q Whom did she marry? A Married Andy Jones.
- Q He was a white man? A Yes sir.
- Q What relation was Rebecca or Becky Box to you? A She was my mother's grandmother I believe?
- Q Your great grandmother? A Yes sir.
- Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not until she made application before the Dawes Commission.
- Q To be identified as a Mississippi Choctaw? A Yes sir.
- Q That is the only claim she ever made for Choctaw citizenship? A Yes sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her race, is she an Indian or a white woman? A She is white.
- Q What is her name? A Her name is Fannie Billings.
- Q You dont make any claim for her? A No sir.
- Q Have you any children? A No sir.
- Q Do you claim simply for yourself? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal a thorities in the Indian Territory? A No sir.
- Q Have you ever made any such application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you come before the Commission at this time to be identified as a Mississippi Choctaw? A Yes sir.
- Q This is the first application for citizenship rights that you have ever made? A Yes sir.
- Q Do you claim this right to be identified at this time under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand article 14 of that treaty or would you like to have it explained to you? A I would like to have it further explained please.

A treaty is a compact in writing made between nations and signed by the representatives of these different nations who are parties to the compact, and an article in a treaty is one of its subdivisions or sections or paragraphs. In the year 1830 a treaty was made between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. It is sometimes called the treaty of Dancing Rabbit Creek. The object of this treaty on the part of the government was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, and establish them in that latter territory in their tribal relationship. The government in bringing about this removal sought to give them better protection in the exercise of their tribal laws, usages and customs. Before the

John C Billings-----3

treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the rights of those Indians who remained in the old Choctaw Nation article 14 was drafted and put into the treaty of 1830. The treaty was then signed with this article as a part of it, and later on was ratified on the 24th day of February, 1831. Article 14 under which you make your claim today is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article or not? A No sir, I do not.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Becky Box.
- Q Rebecca or Becky Box? A Yes sir, she was called Becky for short.
- Q How much Choctaw blood do you think she had? A She was the daughter of an Indian.
- Q How much Choctaw blood would that make her? A I don't know.
- Q Didn't you claim one half a little while ago? If she was the daughter of an Indian who was a full blood she would be one half? A She was one half.
- Q She married whom? A Andy Jones.
- Q A white man? A Yes sir.
- Q Now, through which one of her children do you claim your descent? A Her child was my mother's mother.
- Q What was her name? A Her name was-- when she married she married Draper.
- Q What was her child's name? A Anice Jones.
- Q Did you ever hear that her name was Alice or Anice? A No sir, I never did; they always told me Anice.
- Q What relation was Rebecca or Becky Box to you? A She must have been my great grandmother.
- Q Anice Jones was what relation to you? A Anice Jones was my great grandmother; Rebecca Box was my great great grandmother.
- Q Through which one of Anice Jones's children do you claim? A Catherine Draper.
- Q Anice Jones married whom? A Coleman Draper.
- Q They had a daughter Catherine Draper? A Yes sir.
- Q What relation was she to you? A My mother.
- Q And your mother married J. B. Billings? A Yes sir.
- Q Or John B.? A Yes sir.

John C Billings-----4

- Q Then you claim through your mother, Catherine Draper, who married John B. Billings, and she obtained her Choctaw blood through her mother, Anice Jones? A Yes sir.
- Q And she got her Choctaw blood through Becky Box? A Yes sir.
- Q Then Anice Jones would be your grandmother? A Yes sir.
- Q And Rebecca Box would be your great grandmother? A Yes sir.
- Q You claim through your mother, Catherine? A Yes sir.
- Q She claimed through her mother, whom you say was Anice Draper? A Yes sir.
- Q That is your grandmother? A Yes sir.
- Q And Anice Draper claimed through her mother, Becky Box or Jones, and that is your great grandmother? A Yes sir, thats right.
- Q Now, your mother, Catherine Billings, had a daughter Fannie? A Yes sir.
- Q That is your sister? A Yes sir.
- Q She has made application to be identified as a Mississippi Choctaw? A Yes sir.
- Q She married a man named William Talley? A Yes sir.
- Q Now, did Becky Box or Jones, as she was named after her marriage to Andy Jones, reside in Mississippi or Alabama in 1830? A I couldn't tell you.
- Q Did you ever hear that she lived in either Mississippi or Alabama in 1830 and had a family there at that time? A No sir.
- Q Did she ever live in that old Choctaw Nation at all? A My mother was born there.
- Q Therefore her mother lived there at one time? A Yes sir.
- Q Anice Jones? A Yes sir.
- Q Well now, did Anice Jones live there in 1830, 73 years ago? A I couldn't tell you.
- Q Did the mother of Anice Jones, Becky Box or Jones, live there at any time? A I couldn't say.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation either in Mississippi or Alabama for five years and at the end of that time receive a patent from the government under article 14 of the treaty of 1830? A I couldn't tell you so far back as my mother can tell you; they did not so far as I know.
- Q You dont know? A No sir.
- Q You never heard that any of them received any patent for land in that old Choctaw Nation? A No sir.
- Q Did you ever hear that Becky Box or any Choctaw ancestor of yours went to Colonel William Ward within six months after the treaty of 1830 was ratified and registered or attempted to register under article 14 of that treaty? A No sir, I never heard.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation, Indian Territory? A There has been several of my relatives.
- Q I mean ancestors? A No sir, I dont know.
- Q Did any of your Choctaw ancestors go to the Choctaw Nation, Indian Territory, from the old Choctaw nation between 1833 and 1838 at the expense of the government under the treaty of 1830? A I couldn't tell you.
- Q You never heard that any of them went before Colonel Ward within six months from the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I dont know.

In 1837 by an act of Congress approved March 3rd of that year, and also in 1842, by an act of Congress approved August 23rd of that year, commissions were appointed which went to Mississippi and heard claimants who claimed benefits under article 14 of the treaty of 1830. These commissions were appointed because of the complaints made by Choctaw Indians who had tried to register under article 14 of the treaty of 1830, but had been prevented from making registration by Colonel Ward, the United States Indian Agent, and because they were not allowed to register or because their names were negligently left off of Colonel Ward's registry list these Indians had their lands taken from them in the old Choctaw Nation by the government and sold at its public land sales. Of course this caused a great many complaints among the Indians and much distress among them as well, and finally the matter was brought to the attention of Congress in such a way that these two different commissions were appointed, one in 1837 and the other in 1842, to hear the complaints of these Indians.

- Q Do you know whether any of your Choctaw ancestors, Becky Box, or her daughter Anice, or any other Choctaw ancestor of yours, went before either of these commissions and claimed any benefits under article 14 of the treaty of 1830? A No sir, I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I have heard of.

This scrip was issued under an act of Congress approved August 23rd, 1842.

- Q Do you know anything about a person named Mary A. Sparks, who has been before the Commission? A Yes sir, she is my cousin.
- Q She also claims through this same Beck Box? A Yes sir, the same as John Draper; she is a sister of John Draper,-- no, I couldn't say whether she is a sister or not.

Reference is here made to the application of Mary A. Sparks, et al., M C R 5735; she being a relative of this claimant, claiming through the same common ancestor, Rebecca Jones, nee Box or Bop.

This applicant is allowed time to and inclusive of the 24th day of March, 1903, for the introduction of other evidence in this case, if he desires.

- Q You have no attorney? A No sir.
- Q Do you speak Choctaw or understand it? A No sir.
- Q Is there anything further you want to say now, or have you any other evidence you want to present? A No sir, I don't know that there is.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has light reddish hair, light complexion, blue eyes; he has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of eighteen hundred and thirty.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full

John C Billings-----6

the above proceedings at Muskogee, Indian Territory, on the 4th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Sawyer

Subscribed and sworn to before me this 19 day of March, 1903.

Charles H. Sawyer

Notary Public.

411174B

COMMISSIONERS

TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 6615
M C R 6462
M C R 6463

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 11, 1903.

John C. Billings,
Little Rock, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask to be advised the status of the Mississippi Choctaw applications of yourself, Fannie Talley and Catherine Billings.

In reply you are informed that it appears from our records that John C. Billings, Fannie Talley and Catherine Billings made application to this Commission for identification as Mississippi Choctaws, said applications being made a part of the consolidated Mississippi Choctaw case of Willis C. Jones, et al.

No decision has yet been rendered relative to the rights of the several applicants included in said consolidated case to such identification. When any action is taken in the case the applicants will be duly notified.

Respectfully,



Chairman.

Muskogee, Indian Territory, March 17, 1904.

John C. Billings.

Little Rock, Arkansas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Willis Cornelius Jones, et al., including you.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

REFER IN REPLY TO THE FOLLOWING

MCR 6815

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

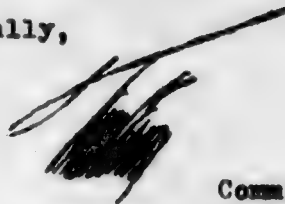
Muskogee, Indian Territory, January 23, 1906.

John C. Billings,
Little Rock, Arkansas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 10, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of March 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Willis Cornelius Jones, et al., of which the application for your identification as a Mississippi Choctaw is a part.

Respectfully,



Commissioner.

6815

No. 6815

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 4 1903

Name John C. Billings,

Age 25 Blood Don't Know.

Post Office, Little Rock, Ark.

Father: John B. Billings, l.

Mother: Catherine Billings, l.

Claims through mother.

wife

Fannie Billings, l.w.

No claim for wife -

~~claim~~

Claims for self
only -

Stenographer

W. H. Martin.



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 13 1904

A handwritten signature in dark ink, appearing to be "J. H. ...", written over the printed name of the Chairman.

CHAIRMAN



6815



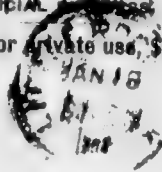
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TERR.

OFFICIAL

Penalty for private use, \$300.



John C. Billings,

Little Rock, Arkansas.

MAR 21 1904

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 23 1904



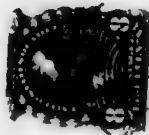
CHAIRMAN

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Return to Writer

First Notice.
MAR 2 1904

John C. Riddle

Little Rock, Arkansas.

REGISTERED
MAR 2 1904
MUSKOGEE, IND. TER.

Second Notice.
MAR 9 1904

Return to Writer

MAR 25 1904

10607
0362

FOR IDENTIFICATION AS
A MISSISSIPPI CRIMINAL.

R. 68

John C. Billings

DECISION RENDERED.

MAR 14 1904

NOTICE OF DECISION

APPLICANT:

17 1904

NOTICE OF DECISION RENDERED
ATTORNEY FOR APPLICANTS

17

SECTION OF
FOR CHECKING AND CANCELLING

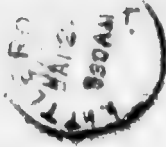
MAR 17 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.
JAN 10 1906

JAN 10 1906

NOTICE OF ACTION
JAN 10 1906

REFER TO M. C. R.



Box 7 to C. J. Williams
St. Louis 1-24-06

Not at
5



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Over

62

John G. Billings,

Ex. 100, Arkansas

RECEIVED
JAN 11 1890

General Delivery

Choctaw MCR 6816

Amanda F. Cheatham

MCR 6816

#6816.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 4, 1903.

In the matter of the application of Amanda F. Cheatham for
identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Amanda F. Cheatham being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Amanda F. Cheatham.
Q What is your age? A Forty-two.
Q What is your post office address? A Los Angeles, California.
Q How long have you lived there? A Six years.
Q Where did you live before that? A In Kentucky.
Q Where were you born? A Mount Sterling, Kentucky.
Q And you lived most of your life in Kentucky? A Yes sir.
Q Were you born in Kentucky? A Yes sir.
Q Is your father living? A No.
Q Is your mother living? A No.
Q What was your father's name? A Firman Cheatham.
Q What was your mother's name? A Louisa Cheatham, Louisa Bradshaw.
Q Was that her maiden name? A Yes sir.
Q Afterwards Louisa Cheatham? A Yes sir.
Q You claim your Choctaw blood through your father or mother? A My father.
Q How much Choctaw blood do you claim? A One fourth.
Q You claim your father was one half Choctaw Indian? A Yes sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? Why, I have never heard that he was.
Q Do you remember when and where your father and mother were married? A Well, he was married in Montgomery County, Kentucky.
Q Do you remember the day of the month and the year? A No, not the day of the month, 1841 or '42.
Q Have you the proof of their marriage with you now? A Yes sir.

By Judge Thomas, attorney for applicant: I think it is on file.

By the Commission:

- Q Has it been filed in some application of a relative of yours? A Yes sir.
Q Are you married? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No.
Q Have you ever made any such application to the Commission to the

Amanda F Cheatham-----2

Five Civilized Tribes under the act of Congress of June 10, 1896?

A No.

Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw? A Yes sir.

Q Do you claim under article 14 of the treaty of 1830? A Yes.

Q Do you understand that article, or would you like to have it explained? A I have read it, and I think perhaps I understand it.

Q You understand it well enough to claim under it? A Yes sir.

The article without an explanation, quoted as it now stands in the treaty of eighteen hundred and thirty, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A Well, I have understood that my great grandfather did.

Q What was his name? A John Harper.

Q Your great grandfather? A Yes sir.

Q Do you claim Choctaw blood through his wife as well as through him? A Yes sir.

Q What was her name? A Polly Ann--- Mary Ann.

Q Sometimes called Polly Ann? A Yes sir.

Q How much Choctaw blood did he have? A He was a full blood Choctaw.

Q How much Choctaw blood did she have? A She was also a full blood.

Q Did they live, either of them, in the state of Mississippi or Alabama in 1830 and have a family there then? A Well, I understood he went there; but how long he lived there I don't know.

Q Do you know when either of them went to the state of Mississippi? A Well, about 1830.

Q Where were they living at that time? A In Kentucky.

Q Had they been for some time previous to that date? A Well, I don't know just how long they had been living there.

Q Did John Harper go alone, or did his wife go with him? A I don't know that.

Q You don't know whether she made any claim before Colonel Ward, or whether he made it for her? A I don't know at all.

Q Did John Harper himself go before Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of that treaty? A I heard that he did.

Q What was done with his application, do you know? A No, I don't know.

Q Did he register, as a matter of fact, so far as you know? A As far as I know he attempted to register.

Amanda F Cheatham----3

- Q Do you know whether he succeeded? A No, I do not.
- Q Did he or any Choctaw ancestor of yours live on land in that old Choctaw Nation either in Mississippi or Alabama for five years after the treaty of 1830 was ratified and then get a patent from the government for that land? A I dont know, really.
- Q Did he or any Choctaw ancestor of yours claim any land in that old Choctaw Nation either in Mississippi or Alabama under article 14 of the treaty of 1830? A I dont know if he did.
- Q Did you ever hear that any Choctaw ancestor of yours, either John Harper or his wife, Mary Ann, or any other, went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A No, I dont know that I did.
- Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, I dont know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I dont know, really.

In 1837 and also in 1842 by various acts of congress commissions were appointed, which commissions went to Mississippi and heard claimants under article 14 of the treaty of 1830. The reason why these commissions were appointed was because of the complaints of Choctaw Indians who tried to register under article 14 of the treaty of 1830 within six months from the ratification of this treaty, but because Colonel Ward refused to allow them to register, or neglected to register them or neglected to put their names on his registry list, these Choctaw Indians had their land which they held in the old Choctaw Nation taken from them by the government and sold at its public land sales.

- Q Did you ever hear that any of your Choctaw ancestors went before the commission appointed by act of congress approved March 3rd, 1837, or before the commission appointed by act of congress approved August 23rd, 1842, and claimed any benefits under article 14 of that treaty? A No, I dont know that I ever heard that.

These commissions you understand were appointed after Ward was acting as Agent in 1831. These Indians tried to get their rights under the treaty, and these commissions were afterwards appointed because they failed to get them before Colonel Ward.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I dont know whether they did or not.

This scrip was issued under an act of congress approved August 23rd, 1842, to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them by the government and sold.

- Q Do you understand or speak the Choctaw language? A No.

By Judge Thomas, attorney for applicant: I would like to make a statement as to the claim of this applicant. Miss Amanda F. Cheatham claims to be one quarter Choctaw blood as a descendant of John and Mary Ann Harper. It is claimed that John Harper and his wife, Mary Ann, were each full blood Choctaws; that they were born, married, and lived in the state of Mississippi, and about the year 1827 moved from Mississippi to what is now Montgomery County, Kentucky; that during the year 1830 John Harper with one Manley went from

Amanda F Cheatham-----4

Montgomery County, Kentucky, to Mississippi, and attempted to register and comply with the fourteenth article of the treaty of September twenty-seventh, eighteen hundred and thirty; but that he was refused permission to register by the then Agent, Colonel Ward; that sometime during the year 1831 he returned to the state of Kentucky, and reported that he had made application for registration, but that Ward was drunk all the time, and refused to allow him to register, saying: "go west of the Mississippi and get land; that is where you belong." He reported that Ward was a drunken pup, and refused to allow a great many Choctaws who were full bloods and native born to register. He was well nigh heart broken over his attempt to register and his failure; came back from his trip to Mississippi sick, never recovered from that illness, died, and he and his wife were buried in Montgomery County, Kentucky. The daughter of John Harper was Polly Harper, who was married to one John Cheatham; their son, Firman Cheatham, is the father of this applicant. Her mother's name being before marriage Louisa Bradshaw.

By the Commission to attorney: That is what you propose to establish by evidence you wish to present, and you wish time to file it in this case? A Yes sir, that together with the evidence already on file in the cases of the heirs of John Harper and Mary Ann, his wife.

By the Commission: Time will be allowed this applicant for the introduction of other proof in this case to and inclusive of the 24th day of March, 1903.

Reference is here made to the application of Jasper Chambers, M C R 5670, for the purpose of consolidation.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 4th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 19 day of March, 1903.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6816.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 6, 1903.

Amanda F. Cheatham,

Los Angeles, California,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,



Chairman.

M.C.R. 6816.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Amanda F. Cheatham that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6816

Muskogee, Indian Territory, March 19, 1904.

Amanda F. Cheatham,
Los Angeles, California.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be submitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6816.

Muskogee, Indian Territory, June 26, 1905.

Amanda F. Cheatham,
Los Angeles, California.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1905.

Respectfully,

Chairman.

6816

No.

6816

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 4 - 1903 -

Name *Amanda F. Cheatham*

Age *42* - Blood *1/4*

Post Office, *Los Angeles, Cal.*

Father: *Firman Cheatham, d*

Mother: *Louisa " d*

Claims through, *father, 1/2*

Children:

*claims for self
alone*

Stenographer *H. H. Martin*

R. 68

Amanda. F. Cheatham

MAY 4 1904

MAR 4 1964

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

MAY 14 1904

RECORD FORWARDED DEPARTMENT.
JUN 13 1904

ACTING ATTORNEY GENERAL
SECRETARY OF INTERIOR.

MAD

NOTICE: This document contains information that is exempt from public release under the Freedom of Information Act, 5 U.S.C. 552. It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with the provisions of the Freedom of Information Act, 5 U.S.C. 552, and the Department of Justice Policy on the Release of Information, 28 C.F.R. 17.104. It is to be released to the public only if authorized by the Department of Justice.

NOTICE
FORWARDNOTICE OF DEPARTMENTAL ACTION
FCHAA

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

MAY 2 1904



CHAIRMAN



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

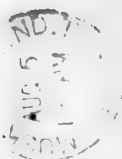
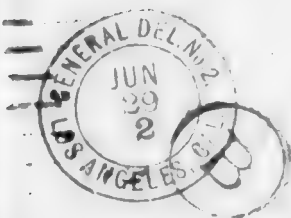
101-101
Amanda

Los Angeles, California

Third Notice
APR 1 1904

101-101
29 1904

1904



August 8, 1905.

1



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



Do not remail in this envelope or wrapper.

Amanda T. C. C. C. C.

Los Angeles, California.

1905

6816

6816

File

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 17 1903

[Handwritten signature]

CHAIRMAN



General Office

M. C. R.

Advising that thirty days will be allowed in which to submit further evidence in support of application for identification as a Mississippi Choctaw.

Amanda F. Cheatham,

Los Angeles, California.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TERR.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

General Office

M. C. E.

Advised that the Commission will be
allocated to the Five Civilized Tribes,
Muskogee, Ind. Ter. for publication
of the Commission as a Commission
of the Five Civilized Tribes.

Amanda P. Cheatham,

Los Angeles, Cal.
California.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

DE
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1902

Choctaw MCR 6817

Robert F. Thompson

MCR 6817

#6817.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 4, 1903.

In the matter of the application of Robert Firman Thompson
for identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Robert Firman Thompson being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Robert Firman Thompson.
Q What is your age? A Thirty years old.
Q What is your post office address? A Lexington, Kentucky.
Q How long have you lived in Lexington? A Twelve years.
Q Where were you born? A I was born in Nicholas County, Kentucky.
Q Have you always lived in that state? A Yes sir.
Q Is your father living? A Yes sir.
Q And mother? A No sir.
Q What is your father's name? A James H. Thompson.
Q What was your mother's name? A Marilda Thompson.
Q Do you claim through your father or mother? A My mother.
Q How much Choctaw blood do you claim? A One eighth.
Q Do you claim your mother was one quarter? A Yes sir.
Q Has she ever been recognized as a Choctaw Indian or enrolled as one
by the Choctaw tribal authorities or the United States authorities
in the Indian Territory? A Not that I have heard.
Q Are you married? A I am sir.
Q Is your wife living? A She is.
Q What is her race? A She is Scotch-Irish.
Q What is her name? Helen Mars Thompson.
Q Do you make any claim for your wife? A I do not.
Q Have you any children? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in
the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Na-
tion either to the Choctaw tribal authorities in the Indian Ter-
ritory or to the Dawes Commission under the act of Congress of June
10, 1896? A No sir.
Q Do you come before the Commission at this time to identify your-
self as a Mississippi Choctaw? A I do.
Q Do you claim under article 14 of the treaty of 1830? A I do.
Q Is this the only application of any kind you have ever ~~had~~ made
for citizenship in the Choctaw Nation to any authority whatever?
A It is sir.
Q Do you understand article 14 of the treaty of 1830? A I think I
do, yes sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and
become a citizen of the states shall be permitted to do so, by
signifying his intention to the agent within six months from the
ratification of this treaty, and he or she shall thereupon be enti-
tled to a reservation of one section of six hundred and forty acres
of land, to be bounded by sectional lines of survey, in like manner

shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw Citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A My third grandfather, -- my great great grandfather, John Harper, did.
- Q What was his relationship? A My great great grandfather.
- Q Do you claim through his wife as well? A Yes sir.
- Q What was her name? Mary A'N or Polly Ann, she was known as either.
- Q How much Choctaw blood did John Harper have? A A full blood.
- Q Was his wife a full blood also? A Yes sir.
- Q Did they live in Mississippi at any time? A Yes sir, they did; they were married and born there.
- Q In what state? A In the state of Mississippi.
- Q Afterwards removed to Kentucky? A They afterwards removed to Kentucky.
- Q In 1830 when that treaty was made, and in 1831 when it was ratified were they living in Kentucky or Mississippi? A In Kentucky.
- Q And went where? A To Mississippi.
- Q Do you know when John Harper went to Mississippi? A I understand he went about the year 1830/
- Q Did his wife go with him, or did she remain in Kentucky? A That I couldn't say; I never heard.
- Q You don't know whether she made application before Colonel Ward with her husband, or whether he made application for her, or whether any application was made for her? A No, I never heard anything to that effect.
- Q Were they living in Mississippi in 1830 and were they married there then, or in Kentucky? A They were living in Kentucky at that time.
- Q Did John Harper go to Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of that treaty? A I have always understood that he did.
- Q Did he succeed or not? A I have heard that he did not succeed, he attempted.
- Q After his attempt to register what did he do, where did he go? A He returned to Kentucky? ~~A Immediately~~
- Q Immediately? A That I couldn't say, I don't know sir.
- Q Did he or any Choctaw ancestor of yours live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and at the end of that time get a patent from the government for that land? A No, I guess not.
- Q Now, did any of your Choctaw ancestors live on land or claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A Yes sir.
- Q But you never heard that any of them ever received a patent for the land after living on it for five years? A No sir.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time

Robert Firman Thompson-----3

between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know; I think not sir.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the new Choctaw Nation west of the Mississippi river with the other Indians between 1833 and 1838 or '40? A Not that I ever heard of.

Q Did any of them go before a commission appointed by act of congress approved March 3rd, 1837, or a commission appointed by act of Congress approved August 23rd, 1842, and claim any benefits under article 14 of the treaty of 1830? A Nor that I have ever heard.

These commissions were appointed in these various years for the purpose of hearing Indians who claimed that they had registered or had attempted to register under article 14 of the treaty of 1830, but that Colonel Ward refused to allow them to register or refused to put their names on his registry list, and these Indians lost their land which they formerly occupied in the old Choctaw Nation, it was taken from them and sold by the government. Therefore these commissions were appointed to remedy the wrongs done these Indians by the acts of the government.

Q Did you ever hear that any of your Choctaw ancestors went before either of these commissions? A That is in 1837?

Q Yes, and 1842? A No sir.

Q Did any of your Choctaw ancestors receive any scrip or certificates from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I ever heard of, sir.

This scrip was issued under an act of Congress approved August 23rd, 1842.

Q Do you understand or speak the Choctaw language? A I do not, sir.

Q Have you any other evidence that you want to introduce?

By Judge Thomas, attorney for applicant? No sir; I desire in connection with this application that the statement of the case as made in the case of Miss Amanda F. Cheatham just before this be admitted as the statement in this case.

By the Commission: The case of Amanda F. Cheatham, M C R 6816, is here referred to and made a part of this application, together with the statement made by Judge Thomas, counsel for applicants in that case and in this application. Also the case of Jasper Chambers, M C R 5670, is referred to as the application of one claiming through the same common ancestor; also the case of Christopher C. Hanks, et al., M C R 6508, is referred to as a relative claiming through the same common ancestor.

This applicant is allowed to and including the 24th day of March, 1903, for the introduction of other proof if desired in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair, blue eyes, medium dark complexion; does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with article 14 of the treaty of 1830, except family history and tradition.

Certified copy of the marriage between James H. Thompson and

Robert Firman Thompson-----4

Marilda Cheatham presented by applicant, received, filed, marked "Exhibti A", and made a part of the record in this case.

W. H. Martin being duly sworn ~~testifies~~ on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 4th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 19 day of March, 1903.

Charles H. Seamen

Notary Public.

M.C.R. 6817.

Muskogee, Indian Territory, November 6, 1903.

Robert F. Thompson,

Lexington, Kentucky,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6817.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Robert F. Thompson that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6817

Muskogee, Indian Territory, March 19, 1904.

Robert F. Thompson,
Lexington, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw is a part, refusing said application.

You are further advised that a copy of such decision has ~~been~~ furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by your attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6617.

Muskogee, Indian Territory, June 26, 1905.

Robert F. Thompson,
Lexington, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6817.

No.

6817

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 4 1903

Date

Name Robert F. Thompson.

Age 30 -

Blood

1/8

Post Office, Lexington, Ky -

Father: James H. Thompson l.

Mother: Marilda " d.

Claims through

mother - 1/4

wife.

Helen M. Thompson. l.w.

No claim for wife -

Children:

claims for self
alone

Stenographer

W. H. Martin

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

R. 68

Robert F. Thompson

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION RENDERED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 10 1904

COPY OF DECISION RENDERED
ATTORNEY FOR CHOCTAW AND

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR

NOTICE OF DECISION
ACTION MAILED APPLICANT.

JUN 13 1904

NOTICE OF DECISION
FORWARDED

FORWARDED TO
AND CHICKASAW NATIONS

REFER TO M. C. R

Choctaw MCR 6818

Jimmie F. Wheeler

MCR 6818

#6818.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 4, 1903.

In the matter of the application of Jimmie Frank Wheeler for the identification of herself and her minor child, Loraine Wheeler, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Jimmie Frank Wheeler being duly sworn on oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Jimmie Frank Wheeler.
Q What is your age? A Twenty-five.
Q What is your post office address? A Lexington, Kentucky.
Q How long have you lived in Lexington? A Twelve years.
Q In Kentucky how long? A Ever since I was born.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A James H. Thompson.
Q What is your mother's name? A Marilda Thompson, Cheatham before she married.
Q Do you claim your Choctaw blood through your father or mother? A My mother.
Q How much do you claim? A One eighth.
Q Do you claim your mother was one quarter Choctaw blood? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his name? A Albert F. Wheeler.
Q His race is what? A White.
Q Do you make any claim for him? A No sir.
Q Have you any children? A One.
Q What is the name of that child? A Loraine Wheeler.
Q Is that a girl? A Yes sir.
Q How old is Loraine? A Five years old.
Q You claim for yourself and this child? A Yes sir.
Q When and where were you married to your husband, Albert F. Wheeler? A Lexington, Kentucky.
Q Do you remember the day of the month and year? A 14th day of March, 1898.

Certified copy of the marriage certificate of the marriage of Albert F. Wheeler and J. Frances Thompson is presented by this applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

- Q Is your name with the name of your child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.

Jimmie F Wheeler-----2

- Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q This is your first application for citizenship rights in the Choctaw Nation? A Yes sir.
- Q You have never been admitted to citizenship in the Choctaw Nation by any authority whatever? A No sir.
- Q Do you now want to identify yourself and this child as Mississippi Choctaws? A I do.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I think I do.

Article 14 of that treaty is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that article? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Harper and his wife, Mary Ann.
- Q Was she known by the name of Polly Ann? A Polly Ann she was sometimes called.
- Q How much Choctaw blood did John Harper have? A Full blood.
- Q And his wife? A Full blood.
- Q What relation was John Harper to you? A My great great grandfather.
- Q And Mary Ann your great great grandmother? A Yes sir.
- Q Is Robert F. Thompson your brother? A Yes sir.
- Q He has made application today to be identified as a Mississippi Choctaw, and also Amanda F. Cheatham? A She is my aunt.
- Q Did any of your Choctaw ancestors live in the old Choctaw Nation east of the Mississippi river in 1830, either in Mississippi or Alabama, and have a family there then? A Yes sir, I think so?
- Q Did John Harper or his wife go to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of the treaty of 1830? A I have heard that they did.
- Q Did they register? A I don't know.
- Q Is your information based upon what you have heard from members of the family? A Yes sir.
- Q Did you ever hear if any of your Choctaw ancestors lived on land in that old Choctaw Nation, either in Mississippi or Alabama, for five years after the treaty of 1830 was ratified, and then receive a patent from the government for that land? A I don't know.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time be-

Jimmie F Wheeler-----3

tween the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know.

- Q Did any of your Choctaw ancestors go to the Choctaw Nation west of the Mississippi river from the old Choctaw Nation with the other Indians between 1833 and 1838 or '40 at the expense of the government? A I dont know.

In 1837 and also in 1842 commissions were appointed by various acts of congress. These commissions went to the state of Mississippi and heard claimants under article 14 of the treaty of 1830. These commissions were appointed because a great many Choctaw Indians claimed that they had registered or attempted to register under article 14 of the treaty of 1830 within six months after the ratification of that treaty, but that Colonel Ward, the agent, had refused to allow their names to be placed on his registry list, and because their names did not appear on Colonel Ward's Register the lands which these Indians occupied in the old Choctaw Nation upon which they had improvements were taken from them and sold by the government at its public land sales.

- Q Do you know if any of your Choctaw ancestors went before either of those two commissions? A I dont know.

The act of congress approved August 23rd, 1842, provided that where a Choctaw Indian proved his right before the commission of 1842 under article 14 of that treaty, and where he also proved that his land in the old Choctaw nation had been taken from him by the government and sold he might select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be issued to him; these certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government under that act of Congress? A I dont know.
Q Do you speak or understand the Choctaw language? A No sir.

To attorney: Would you like a little time in this case, Judge? A Yes sir. I wish the statement made in the case of Amanda F. Cheatham be made applicable to this case, as she is also a descendant of John Harper and his wife.

By the Commission: The application of Amanda F. Cheatham, V C R 6816, is referred to and made a part of this application; also the application of Robert F. Thompson, M C R 6817; and the statement made by Judge Thomas, counsel for this applicant, in the case of Amanda F. Cheatham, M C R 6816, is also made by reference the statement pertaining to this application.

Time is allowed this applicant to and inclusive of the 24th day of March, 1903, for the introduction of other proof in this case.

The application of Jasper Chambers is referred to as an applicant claiming through the same common ancestors, John Harper and wife, M C R 5670.

By Judge Thomas, attorney for applicant: The statements and mis-statements of Chambers not to prejudice this case.

Jimmie F Wheeler-----4

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown hair, hazel eyes, medium fair complexion; does not understand the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 4th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 19 day of March, 1903.

Charles H Sawyer

Notary Public.

M.C.R. 6818.

Muskogee, Indian Territory, November 6, 1903.

Jimmie F. Wheeler,

Lexington, Kentucky,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6818.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Jimmie F. Wheeler that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor child for identification as Mississippian Chocotaws, and at the expiration of said time this commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6818

Muskogee, Indian Territory, March 19, 1904.

Jimmie P. Wheeler,
Lexington, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of yourself and your minor child, Loraine Wheeler, as Mississippi Choctaws was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by the attorneys in this case, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6818.

Muskogee, Indian Territory, June 26, 1905.

Jimmie F. Wheeler,
Lexington, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6812

No.

118

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 4 1903

Name *Jimmie F. Wheeler*

Age

25

Blood

1/8

Post Office, *Lexington, Ky -*

Father: *James H. Thompson, l.*

Mother: *Marieda .. d.*

Claims through

mother, 1/4

~~Husband~~

Albert F. Wheeler, l. w.

No claim for husband

Children:

Loraine Wheeler F. 5.

Claims for 1/2

and one minor

Stenographer

W. F. Martin

RECEIVED
FOR IDENTIFICATION AS R. 68
A MISSISSIPPI ORIGINATOR

Jimmie F. Wheeler et al

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHICKASAW AND
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MADE BY APPLICANT

MAR 13 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR

MAR 1

NOTICE OF SECRETARY'S
ACTION MADE BY APPLICANT

FILE

FORWARDED AT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT

REF TO M. C. R.

NO. 1

Choctaw MCR 6819

Mc Clelland Cheatham

MCR 6819

#6819.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 4, 1903.

In the matter of the application of McClelland Cheatham for
identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

McClelland Cheatham being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A McClelland Cheatham.
Q What is your age? A Thirty-two.
Q What is your post office address? A Mount Sterling, Kentucky.
Q How long have you lived in Kentucky? A All my life.
Q How long in Mount Sterling? A About twenty-eight years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Firman Cheatham.
Q What was your mother's name? A Louisa Cheatham, -- Bradshaw.
Q What was her maiden name? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One fourth.
Q You claim your father was one half Choctaw? A Yes sir.
Q Has he ever been recognized or enrolled as a Choctaw Indian by the
Choctaw tribal authorities or the United States authorities in
the Indian Territory? A Not that I know of.
Q Have you the proof of the marriage of your father and mother here,
or has it been filed in any case?

By Judge Thomas, attorney for applicant: It is on file in the case of
Mrs. Mary Tremble.

By the Commission:

- Q Are you married? A Yes sir.
Q And your wife is living? A Yes sir.
Q What is her race? Well, I think she is American.

By Judge Thomas:

- Q She is white is she? A Yes sir, she is white.

By the Commission:

- Q What is her name? A Lillian Cheatham.
Q You don't make any claim for her? A No sir.
Q Have you any children you want to make application for? A No sir.
Q You claim for yourself alone? A Yes sir, just for myself.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A It is not.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in the Indian Territory?
A I have not.
Q Have you ever made any such application to the Commission to the
Five Civilized Tribes under the act of Congress of June 10, 1896?
A I have not.
Q This is the first application you have ever made for citizenship
in the Choctaw Nation? A Yes.
Q You have never been admitted or enrolled by any authority? A I
have not.

McClelland Cheatham-----2

- Q Do you now claim under article 14 of the treaty of 1830? A Yes sir.
- Q You want to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you understand that article? A Well, I think I do.
- Q You have heard it read and explained today? A Yes sir.

Article 14 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states ~~whenever~~ for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I have heard that my great grandfather attempted to.
- Q What was his name? A John Harper.
- Q Did his wife have Choctaw blood? A Full blood.
- Q Was John Harper a full blood, too? A Yes sir.
- Q What was John Harper's wife's name? A Polly Ann or Mary Ann, some say Polly Ann and some call her Mary Ann.
- Q John Harper was your great great grandfather? A Great grandfather.
- Q And Polly Ann was your great grandmother? A Yes sir.
- Q Did they live in Mississippi in 1830 or in Alabama in the old Choctaw Nation? A They lived in Kentucky; between 1827 and 1830.
- Q Did either of them go to Mississippi to register under article 14 of that treaty, - to Mississippi or Alabama, to register under Colonel Ward? A I have heard my great grandfather went.
- Q That was John Harper? A John Harper.
- Q Do you know whether either of them or any Choctaw ancestor of yours were living and had a family in Mississippi or Alabama in 1830? A No sir, you are speaking of my great grandfather?
- Q Or any other Choctaw ancestor of yours that you know of? A John Harper had a family, but at that time he was living in Kentucky.
- Q In 1830? A 1830.
- Q When he went to Mississippi to register did he go alone or did his wife go with him? A No sir, he didn't go alone; I have heard he took a fellow by the name of Manley with him.
- Q Do you know what that man Manley's other name was? A No sir, I do not.
- Q Did any Choctaw ancestor of yours live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified, and then get a patent from the government under article 14 of the treaty of 1830? A I couldn't say.
- Q Did any Choctaw ancestor of yours go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.

McClelland Cheatham-----3

- Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A My great grandfather claimed that he was entitled to land there, but I have heard that he never got it..
- Q After this attempt to register made by John Harper in 1831 before Colonel Ward where did he go, and what did he do, if you know? A After he made his application?
- Q Yes? A Well, I heard he came to Kentucky; I dont know how long he remained in Mississippi after the application was made, but he came to Kentucky afterwards, and there he died.

In 1837 by an act of Congress approved March 3rd of that year, and also in 1842 by an act of Congress approved August 23rd of that year, commissions were appointed by these various acts of Congress, which commissions went to Mississippi to hear the complaints of Indians who had tried to register under article 14 of the treaty of 1830, but had been refused registration by Colonel Ward, and because of this refusal they had their land taken from them by the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors go before either of those two commissions and claim any benefits under article 14 of that treaty? A Not that I know of.
- Q Do you understand or speak the Choctaw language? A I do not.
- Q Do you know whether any of your Choctaw ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir, I do not.

This scrip was issued under an act of Congress approved August 23rd, 1842.

This applicant will be allowed time to and including the 24th day of March, 1903, for the purpose of introducing other proof in this case.

- Q Is Amanda F. Cheatham a relative of yours? A Yes sir, sister.
- Q What relation is Robert F. Thompson to you? A Nephew.
- Q And Jimmie P. Wheeler? A Niece.
- Q Would you like to have your case considered with theirs? A Yes sir.

The case of Jasper Chambers, M C R 5670, is referred to in this connection as a relative claiming through the same common ancestor. Also the application of Christopher C. Hanks, M C R 6508.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has black hair, brown eyes, dark complexion; does not understand the Choctaw language, and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. W. Martin being duly sworn on oath states that as stenographer to the Commission to the Five civilized tribes he recorded in full the above proceedings on the 4th day of March, 1903 and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 12 day of March, 1903.

Charles H. Sawyer

Notary Public.

M.C.R. 6819.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified McClelland Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6819

Muskogee, Indian Territory, November 6, 1903.

McClelland Cheatham,

Mount Sterling, Kentucky,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 19, 1904.

McClelland Cheatham,
Mount Sterling, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory, have been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted to the Secretary of the Interior for his consideration with such brief and argument as may be submitted by your attorneys.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6819.

Muskogee, Indian Territory, June 26, 1905.

McClelland Cheatham,

Mt. Sterling, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6879

No.

510

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 4 1903

Name *McBelland Cheatham*

Age *32* - Blood *1/4*

Post Office, *Mt Sterling, Ky -*

Father: *Firman Cheatham, d.*

Mother: *Louisa .. d.*

Claims through *father* *1/2*

Wife

Lillian Cheatham, l. w.

No claim for wife -

Children:

*claims for self
alone*

Monographer

W. H. Martin

McBellant & Heatham

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED
ATTORNEYS FOR CHOCTAW AND
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

MAR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW

Choctaw MCR 6820

Margaret Woodward

MCR 6820

#6820.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 4, 1903.

In the matter of the application of Margaret Woodward for the identification of herself and her three minor children, Jesse Henry, Loueleanor, and Leroy Woodward, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Margaret Woodward being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Margaret Woodward.
Q What is your age? A Fifty-two.
Q What is your post office address? A Beatrice, Nebraska.
Q How long have you lived at Beatrice? A Four years.
Q Where did you live before that? A We lived at Liberty in Gates County, Nebraska.
Q How long have you lived in that state altogether? A About thirty years.
Q Where were you born? A South-east Missouri, Douglas County.
Q And from there you went to Nebraska? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Phillip James Howard.
Q What was your mother's name? A Winnie Wood.
Q What was her maiden name? A Yes sir.
Q And she married Howard? A Yes sir.
Q Do you claim your Choctaw blood through your father or mother? A Mother.
Q How much do you claim? A One sixteenth.
Q Was your mother one eighth Choctaw Indian? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Is your husband living? A Yes sir.
Q What is his race? A He is white.
Q What is his name? A John C. Woodward.
Q Do you make any claim for him? A No sir.
Q Have you any children? A Yes sir, three that ain't of age; three that is.
Q What is the name of the oldest under age? Jesse Henry.
Q A boy? A Yes sir.
Q How old is he? A Twenty years old.
Q The next? A Loueleanor.
Q How do you spell that name? A L-o-u-e-l-e-a-n-o-r.
Q Just one name? A Yes sir.
Q Is that a girl? A Yes sir.
Q How old is she? A Seventeen.
Q What is the name of the next child? A Leroy.
Q How old is he? A Nine years old.
Q You claim for yourself and three minor children? A Yes sir.
Q Is John C. Woodward the father of these three children? A Yes sir.
Q Are you living with him now as husband and wife, and these children living with you at his home? A Yes sir.

Margaret Woodward--- -2

- Q Is your name, together with the names of these minor children, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No, I guess not.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No.
- Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896, for yourself and children? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by any authority whatever up to the present time? A No.
- Q Do you come before the Commission now to identify them and yourself as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand it? A Why, I partly understand it; I don't know that I understand it altogether or not.

A treaty is a compact of an agreement in writing made between two or more nations, signed by the representatives of the different nations, and an article in a treaty is one of its paragraphs or subdivisions. Such a treaty was made between the United States government and the Choctaw tribe of Indians in 1830 on the 27th day of September of that year at Pacing Rabbit creek in Mississippi. The object of the treaty was to get the consent of the Choctaw Indians to go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. All of the Indians would not go, and when it was discovered before the treaty was signed that a number of them intended to remain in the old Choctaw Nation article 14 was drafted and put into the treaty for the especial benefit of those Indians who stayed back in the old Choctaw Nation. That is the article under which you all claim today, and is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, I don't know, unless it was my great grandma.
- Q Whom do you claim your right to be identified through? A I claim through my mother, then my grandmother, then my great grandmother.
- Q What was her name? A Alabeth Freeman, or Ball before she married.
- Q That was her maiden name, Ball? A Yes sir.
- Q Her husband's name was what? A Aaron Freeman.
- Q What relation to Alabeth Ball to you? A My great grandma.

Margaret Woodward-----3

- Q How much Choctaw blood did she have? A One half.
- Q Aaron Freeman was a white man? A Yes sir.
- Q Did Alabeth Freeman, nee Ball, live in Mississippi or Alabama in the old Choctaw Nation in 1830 and have a family there at that time? A I think they did.
- Q Did Alabeth Freeman or any other Choctaw ancestor of yours go to Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of that treaty? A She went back there to register, but I don't know just what time it was, and she couldn't register because he was drunk or something happened that she couldn't.
- Q Where did they live then? A Douglas County, Missouri.
- Q Then they went from Missouri to Mississippi to register? A Yes sir.
- Q Where were they living in Missouri? A Douglas County.
- Q Now, did Alabeth Ball ever live in Mississippi? A Yes sir, she lived there.
- Q And then went to Missouri? A Yes sir.
- Q And then went back again to Mississippi to register and then went back to Missouri? A Yes sir.
- Q When she went to Mississippi to register how long did she stay in Mississippi? A I don't know.
- Q Did any of your Choctaw ancestors live on land in Mississippi or Alabama in the old Choctaw Nation for five years after the treaty of 1830 was ratified and then get a patent from the government for that land? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or '40? A I don't know about that either.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw Nation, Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A Not that I know of.

In 1837 a commission was appointed by an act of Congress approved March 3rd of that year, and also in 1842 another commission was appointed by an act of Congress approved August 23rd of that year. These commissions were appointed by these various acts of Congress because of the complaints made by Choctaw Indians that they had registered or attempted to register under article 14 of the treaty of 1830, but because Colonel Ward, the agent, had refused to allow them to register or had neglected to put their names on his registry list the lands which these Indians had been occupying in the old Choctaw nation had been taken from them by the government and sold at its public land sales.

- Q Do you know if any of your Choctaw ancestors went before either of these two commissions and claimed any benefits under that article of that treaty? A No sir, I do not.
- Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No, I don't know anything about that.
- Q Is John H. Bennight a relative of yours? A Yes sir.
- Q Do you remember what? A I think he was my mother's cousin by marriage.
- Q He has been before the Commission to be identified as a Mississippi Choctaw; do you want to have your case considered under his appli-

Margaret Woodward-----4

cation? A Yes sir.

The case of John H. Bennight, et al., M C R 6255, is here referred to for the purpose of consolidation.

Time is allowed this applicant to and including the 24th day of March, 1903, for the purpose of introducing other proof in this case, if she desires.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown hair, medium dark complexion, blue eyes.

Q Do you speak Choctaw? A No.

She has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 4th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 19 day of March, 1903.

Charles H Sawyer

Notary Public.

Muskogee, Indian Territory, March 20, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 17th instant, enclosing certified copy of marriage record between John C. Woodward and Margaret Howard, offered in support of the application made by Margaret Woodward for the identification of herself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.

COPY:

M. C. R. 6820.

Muskogee, Indian Territory, June 15, 1904.

Margaret Woodward,
Beatrice, Nebraska,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Jesse Henry Woodward, Loueleanor Woodward and Leroy Woodward.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Registered.

Tame Dixby.
Chairman.

Muskogee, Indian Territory, May 8, 1905.

Margaret Woodward,

Beatrice, Nebraska,

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6820

No. 6820

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 4 1903

Name Margaret Woodward

Age 52, Blood 1/16

Post Office, Beatrice, Neb.

Father: Philip J. Leonard, d.

Mother: Winnie " d.

Claims through mother - '18 -

~~Husband~~

John C. Woodward, l. w.

No claim for husband

Children:

Jesse H. Woodward, 20.

Louleanor " F. 17.

Leroy " 9.

Claims for self &

3 minors +

Stenographer W. H. Martin

Margaret Woodward

REFUSED

DECISION RENDERED

JUN 15 1904

**NOTICE OF DECISION FORWARDED
APPLICANT**

JUN 15 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.
AUG 16 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY 19 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW

SEP 11 1905

(175)

Choctaw MCR 6821

Lydia J. Owen

MCR 6821

#6821.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 4, 1903.

In the matter of the application of Lydia Jane Owen for identification as a Mississippi Choctaw.

Thomas & Harrison, attorney for applicant.

Lydia Jane Owen being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Lydia Jane Owen.
Q What is your age? A Twenty-nine the 10th of this month.
Q What is your post office address? A Beatrice, Nebraska.
Q How long have you lived there? A About two years.
Q How long in Nebraska? A All my life.
Q Were you born in that state? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A John C. Woodward.
Q What is your mother's name? A Margaret Woodward.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One thirtysecond.
Q Your mother is one sixteenth? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his race? A He is Scotch-Irish.
Q What is his name? A Loyd Owen.
Q Do you make any application for him? A No sir.
Q Have you any children? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Do you come before the Commission at this time to identify yourself as a Mississippi Choctaw? A Yes sir.
Q Do you claim that right under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand article 14 of that treaty, or would you like to have it explained? A Why, I think I understand it.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the stateshall be permitted to do so by signi-

Eydia Jane Owen-----2

ifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the state for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article 14 of the treaty of 1830 under which you are claiming; do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article, A No sir, I do not.
- Q What is the name of your ancestor that you make your claim through today? A Alabeth Ball.
- Q That was her maiden name? A Yes sir.
- Q What was her husband's name? A Aaron Freeman.
- Q A white man? A Yes sir.
- Q And she had how much Choctaw blood? A One half.
- Q How do you know? A Just my people telling me is all.
- Q Family history and tradition? A Yes sir.
- Q What relation was she to you? A My great great grandmother.
- Q You claim through your mother, Margaret Woodward? A Yes sir.
- Q She has made application to be identified today has she not? A Yes sir.

Her case is here referred to, M C R 6820.

- Q She claimed through her father or mother? A Her mother.
- Q What was her mother's name? A Winnie Wood, and she married Phillip Howard.
- Q And she claimed through whom, father or mother? A It was her mother.
- Q What was her name? A Sarah Freeman.
- Q And she married whom? A Henry Wood.
- Q And she claimed through Alabeth Ball? A Yes sir.
- Q Did any of your Choctaw ancestors live in Mississippi or Alabama in 1830? A I have been told they lived in Mississippi and Louisiana I believe.
- Q Do you know when they lived in Mississippi? A No sir, I do not.
- Q Whether they lived there in 1830, any of them? A No, I don't know.
- Q Did Alabeth Freeman, nee Ball, go herself to Colonel William Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of that treaty? A Yes sir, I think she did.
- Q Did she succeed in registering? A No sir.
- Q Do you know why she did not? A Colonel Ward, I think that was his name, was drunk, and wouldn't register the,, and she had to go back home.
- Q Where did she go after that attempt to register? A Missouri.
- Q Was she living in Missouri at that time? A Yes sir.
- Q How long had she lived in Missouri, do you know? A Several years, is all I know.
- Q In 1830 and 1831 she and her family were living in Missouri were they? A About that time.
- Q Do you know who of your Choctaw ancestors lived in Mississippi in the old Choctaw Nation in 1830 and 1831? A Alabeth Ball.

Lydia Jane Owen-----3

- Q As far as you know then she was living around there somewhere in 1830? A Yes sir.
- Q And about that time you think she went back to Missouri? A Yes sir.
- Q Do you think she was living in Mississippi in the year 1830 up until the time she attempted to register and immediately after that attempt went to Missouri? A yes sir.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and at the end of that time received a patent from the government under article 14 of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q You understand the idea is did they go from the old Choctaw Nation to the Choctaw Nation, Indian Territory at any time? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation either in Mississippi or Alabama in 1830 or 1831? A Not that I know of.

After a great many of these Choctaw Indians had been to Colonel William Ward, within six months after the treaty of 1830 was ratified, and attempted to register and been refused their land had been taken from them by the government because their names did not appear on Colonel Ward's register. As they had made an effort to register and had been prevented from registering by Colonel Ward they made a great many complaints to the government, and as a result of their complaints a commission was appointed by an act of Congress approved March 3rd, 1837; this commission went to Mississippi and heard these Indians and made lists of the names of Choctaw Indians who appeared before them. The complaints continued to be made by other Indians who did not go before the Commission of 1837, so in 1842 another commission was appointed by an act of Congress approved August 23rd of that year; this commission also went to Mississippi and heard these disaffected Choctaw Indians.

- Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed any benefits under article 14 of that treaty? A Alabeth Ball did.
- Q Before which commission did she go, do you know? A I think in 1830.
- Q She went before Colonel Ward and attempted to register under article 14? A Yes sir.
- Q Now, I am talking about a commission in 1837, six years after, and also a commission in 1842, nine years after; did you ever hear that Alabeth Ball went before either of those commissions? A No sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was given to Choctaw Indians who proved their rights under article 14 of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them and sold.

- Q What relation is John H. Bennight to you? A Second cousin I guess, or third cousin.
- Q He has made application to be identified as a Mississippi Choctaw; do you want to have your case considered under his application? A Yes sir.

Lydia Jane Owen-----4

The case of John H. Bennight, et al., M C R 6255, is referred to in this connection.

By Judge Thomas, attorney for applicant: I desire to make a statement of this case. The applicant, Lydia Jane Owen, nee Woodward, makes claim for recognition as a Mississippi Choctaw, as a descendant of Alabeth Ball, a half blood Choctaw woman who was born in the state of Mississippi, but was married to one Aaron Freeman in Buncombe County, North Carolina. She and two of her sisters married three Freeman brothers. Immediately after their marriage they removed back to the old Choctaw country in Mississippi and lived there until sometime between the years 1820 and 1830, when they removed to the state of Missouri. Upon the ratification of the treaty of 1830 on the 27th day of September, 1830, Alabeth Ball with her husband returned to Mississippi for the purpose of registering and attempted to register as a Mississippi Choctaw. According to the report made by her upon her return to Missouri she failed in being registered for the reason that she claimed that the agent, Colonel Ward, was drunk all the time, refused to have anything to do with anybody who came, and declined to consider her case even. Whereupon she returned with her husband to the state of Missouri, where she lived some years, and subsequently died.

Alabeth Ball, as I have stated, was the wife of Aaron Freeman; they had a daughter by the name of Sarah, who married one Henry Wood; they had a daughter named Winnie, who was married to one James Howard; they had a daughter named Margaret, who was married to one John C. Woodward; they had a daughter named Lydia Jane, who was married to Loyd Owen, Lydia Jane being the claimant in this case.

Alabeth Freeman was a one half blood Choctaw Indian; her daughter Sarah Freeman was a one quarter blood Choctaw Indian; Winnie Wood was one eighth Choctaw Indian; Margaret Howard was one sixteenth Choctaw Indian, and this handsome Choctaw Indian, Lydia Jane Owen, is a one thirtysecond Choctaw Indian.

We desire up to and including the 24th day of March, 1903, for the purpose of preparing and presenting testimony in support of this claim.

By the Commission: This motion is granted.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has black hair, blue eyes, medium dark complexion, but she has no knowledge of the Choctaw language.

Q Do you speak the Choctaw language? A No sir.

And no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 4th of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 14 day of March, 1903.

Charles H. Sawyer

Notary Public.

COPY:

M. C. R. 6821.

Muskogee, Indian Territory, June 15, 1904.

Lydia Jane Owen,

Beatrice, Nebraska,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al. including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamm Dixby.

Chairman.

Registered.

M.C.R. 6821

Muskogee, Indian Territory, May 8, 1905.

Lydia J. Owen,

Beatrice, Nebraska,

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

{6821}

No. 6821

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 4 1903

Date

Name Lydia J. Owen

Age 29 - Blood $\frac{1}{32}$

Post Office, Beatrice, Neb.

Father: John C. Woodward, l.

Mother: Margaret Woodward, l.

Claims through mother $\frac{1}{16}$ -

Husband -

Loyd Owen, l.w.

No claim for husband

Children:

Claims for self
alone -

Stenographer W. H. Martin

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

R. 68-11

REFUSED

Lydia J. Owen

DECISION RENDERED JUN 15 1904

**NOTICE OF DECISION FORWARDED
APPLICANT**

JUN 15 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.

JUN 15 1904

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

**RECORD FORWARDED DEPARTMENT.
AUG 16 1904**

**ACTION APPROVED BY
SECRETARY OF INTERIOR.
APR 21 1905**

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

MAY 18 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

6255

Choctaw MCR 6822

Floyd Woodward

MCR 6822

#6822.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
March 4, 1903.

In the matter of the application of Floyd Woodward for the identification of himself and his two minor children, Iona Fay and Fern M. Woodward, as Mississipi Choctaws.

Thomas & Harrison, attorneys for applicants.

Floyd Woodward being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Floyd Woodward.
Q What is your age? A Twenty-four.
Q What is your post office address? A Tate, Nebraska.
Q How long have you lived at Tate? A I have lived in Nebraska all my life; lived in three mile of Tate all my life.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q What is your father's name? A John C. Woodward.
Q What is your mother's name? A Margaret Woodward.
Q How much Choctawblood do you claim? A One thirtysecond.
Q You claim your mother is one eighth Choctaw? A Yes sir.
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities of the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her race? A White.
Q What is her name? A Zady Woodward.
Q Do you make any application for her? A No sir.
Q Have you any children? A Yes sir.
Q How many? A Two.
Q What is the name of the oldest? A Iona Fay.
Q How old is she? A Four years old.
Q What is the name of the next? A Fern M.
Q Is that a girl? A Yes sir.
Q Both girls? A Yes sir.
Q How old? A Two years old.
Q Is that all the children you have? A Yes sir.
Q Is Zady Woodward the mother of these children? A Yes sir.
Q Are you living with her as husband and wife and these children living with you at your home? A Yes sir.
Q Have you the proof of the marriage to your wife here? A Yes sir. (Presents a paper)

This applicant presents a certificate of his marriage to Zady Ackerman; this certificate is the original certificate granted, and is dated at Pawnee City, Nebraska, March 2, 1898, and is signed by G. T. Belding, County Judge, witnessed by C. A. Dewey and Cora Hack.

- Q Mr. Woodward, will you send the Commission a certified copy of this marriage certificate to file with your case? A Yes sir.

Floyd Woodward-- --2

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
- Q Do you now come before the Commission to be identified with your children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of Dancing Rabbit Creek or the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Not exactly.

The treaty of 1830 was made between the United States government and the Choctaw Indians in Mississippi at Dancing Rabbit Creek on the 27th day of September of that year. The object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. The Indians who lived in the old Choctaw Nation, which was partly in Mississippi and partly in Alabama, had their rights encroached upon by the white people to the extent that they felt that their rights were not protected, and that they had no rights under the government. The government also realized that it was not giving adequate protection to the Choctaw Indians as a tribe, and by inducing them to go to the Choctaw Nation, Indian Territory, it was hoped and intended that they might enjoy their tribal rights under their tribal form of government undisturbed by encroachment of the white people; but before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article 14 was put into the treaty of 1830. An article in a treaty is one of its paragraphs or subdivisions. Article 14 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to ~~have~~ a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall he be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Alabeth Ball.
- Q Was that her maiden name? A Yes sir.
- Q What was her husband's name? A Aaron Freeman.
- Q Was he a white man? A Yes sir.
- Q And she was how much Choctaw Indian? A One half.

Floyd Woodward----3

- Q What relation to you? A Great great grandmother.
Q You claim through your mother? A Yes sir.
Q And she claims through her mother? A Yes sir.
Q What was her mother's name? A Winnie Wood.
Q What was her married name? A Howard.
Q Your grandmother claimed through whom? A Mother.
Q What was her mother's name? A Sarah Wood,-- Freeman maiden name.
Q She was the daughter of Alabeth Freeman or Alabeth Ball before she married? A Yes sir.
Q Where did Alabeth Ball and her husband live in 1831? A I am not sure where they lived.
Q Do you know where they lived in 1830? A In Missouri I think.
Q Do you know when they went to Colonel Ward and attempted to register under article 14 of the treaty of 1830? A No sir.
Q Can you give the name of any Choctaw ancestor of yours who lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A No sir.
Q Or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know.
Q Did any of them live on land in the old Choctaw Nation in 1831 and thereafter for five years and then get a patent from the government for that land? A No sir.
Q Did any of your Choctaw ancestors go to Colonel Ward within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I dont know.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A No sir, not that I know of.
Q Did any of your Choctaw ancestors go before the Commission of 1837 or the Commission of 1842 and claim any bene fits under article 14 of the treaty of 1830? A No sir.

These commissions were appointed, one under an act of Congress approved March 3rd, 1837, and the other under an act of Congress approved August 23rd, 1842, for the purpose of hearing those Indian who tried to register under article 14 of the treaty of 1830, but had been refused the right to register by Colonel Ward, and had afterwards had their land taken from them by the government and sold.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23rd, 1842, and was issued to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830 and also proved that their lands in the old Choctaw nation had been taken from them by the government and sold.

- Q Do you understand the Choctaw language? A No sir.
Q Are you related to John H. Bennight? A Yes sir.
Q Do you know the relationship? A About a third cousin I guess.
Q Do you want to have your case considered under his? A Yes sir.

The case of John H. Bennight, et al., W C R 6205, is here referred to for the purpose of consolidation.

Floyd Woodward-----4.

This applicant will be allowed time to and including the 24th day of March, 1903, for the purpose of introducing other proof in this case, if he desires to do so.

- Q What relation is Lydia J. Owen to you? A Sister.
Q Margaret Woodward? A Mother.
Q These two have made application to be identified as Mississippi Choctaws; do you want to have your case considered with theirs?
A Yes sir.
Q And also you want to refer to the statement made by Judge Thomas, your counsel, in the application of Lydia J. Owen? A Yes sir.

Certified copy of the marriage certificate of Floyd Woodward and Zady Ackerman presented by applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair, blue eyes, medium dark complexion; does not understand the Choctaw language and has no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 4th day of March, 1903, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 19 day of March, 1903.

Charles H. Sawyer

Notary Public.

COPY. M. C. R. 6822.

Muskogee, Indian Territory, June 15, 1904.

Floyd Woodward,
Tate, Nebraska,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Iona Fay Woodward and Fern M. Woodward.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

Registered.

Tame Dixey.
Chairman.

M.C.R. 5822.

Muskogee, Indian Territory, May 8, 1905.

Floyd Woodward,

Tate, Nebraska.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

E822

No.

6822

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 4 1903

Date

Name *Floyd Woodward*

Age 24

Blood

 $\frac{1}{32}$

Post Office.

Tate, Neb.

Father:

John C. Woodward, l.

Mother:

Margaret " l.

Claims through

mother, 1/16 -
*Wife.**Lady Woodward, l.w.*
No claim for wife -

Children:

*Elna F.**Woodward**" F**4**Fern M.**" F**2**Claims for self*
and 2 minors

Stenographer

W.H. Martin

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Floyd Woodward et al
REFUSED

~~DECISION REFUSED~~

JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 15 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

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MAY 15 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

6255

Choctaw MCR 6823

Annis L. Fisher

MCR 6823

#6823.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 4, 1903.

In the matter of the application of Annis Louisa Fisher for the identification of herself and her five minor children, Lafayette, Lilta Cora, Maggie May, Lois Mabel, and Cecil Ward Brown, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Annis Louisa Fisher being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Annis Louisa Fisher.
Q What is your age? A Forty-eight.
Q What is your post office address? A Wymore, Nebraska.
Q How long have you lived there? A Twenty-one years, in Nebraska.
Q And in Wymore how long? A Three years.
Q Where were you born? A Missouri.
Q Where in Missouri? A Douglas County.
Q And you went from Missouri to Nebraska? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Phillip James Howard.
Q What was your mother's name? A Winnie Wood.
Q That was her maiden name? A Yes sir.
Q She afterwards married Phillip J. Howard? A Yes sir.
Q Do you claim your Choctaw blood through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A Onesixteenth part.
Q Was your mother one eighth Choctaw? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Is your husband living? A No sir.
Q Have you any children that you want to make application for? A I have five minor children.
Q You have been married twice? A Yes sir.
Q Have you children by both marriages? A No sir, just by the first marriage.
Q What was your first husband's name? A Leonodas H. Brown.
Q What was his race? A He was a white man of course.
Q Is he dead? A Yes sir.
Q Have you any minor children by your first husband that you want to make application for? A Yes sir.
Q What is the name of the oldest? A Lafayette Brown.
Q How old is he? A Twenty years old.
Q What is the name of the next child? A Lilta Cora Brown.
Q How old is Lilta? A Seventeen.
Q Is that a girl? A Yes sir.
Q The next one? A Maggie May Brown.
Q How old is she? A Fifteen.
Q The next? A Lois Mabel Brown.
Q A girl? A Yes sir.
Q How old? A Eleven.
Q The next? A Cecil Ward Brown.
Q A boy? A Yes sir.
Q How old? A Eight.

Annis L Fisher-----2

- Q Any more? A Thats all.
- Q You claim for yourself and these children? A Yes sir.
- Q Are all these children by Leonodas H. Brown? A Yes sir.
- Q Have you any children by your second husband? A No sir.
- Q What is your second husband's name? A Joseph Fisher.
- Q Is he living? A Yes sir.
- Q Is he an Indian? A No sir, I wish he was though.
- Q What is he? A A white man.
- Q Then you dont make any claim for your husband, Mr Fisher? A No sir.
- Q Is your name or the names of any of these minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Never made any application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
- Q This is your first application for yourself and them for rights in the Choctaw Nation? A Yes sir.
- Q Do you come before the Commission at this time to be identified with your children as Mississippi Choctaws? A Yes sir.
- Q Do you make this claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir.

The article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to ~~xxxxxx~~ a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A No sir.
- Q What is the name of your ancestor that you are claiming through now as a Mississippi Choctaw? A My mother.
- Q Go back to your remote ancestor? A Alabeth Ball, and she married Aaron Freeman.
- Q He was a white man, wasn't he? A Yes sir.
- Q And she was a white woman, wasn't she? A I guess she wasn't a whitewoman; she claimed to be a half breed.
- Q Half white and half Choctaw? A Yes sir.
- Q What relation was she to you? A Great grandmother.
- Q Did she live in Mississippi or Alabama in 1830 and have a family there then? A No sir.

Lydia

Annis L. Fisher----3

- Q Did she go to Colonel Ward within six months after the treaty of 1830 was ratified and attempt to register under article 14 of the treaty of 1830? A Yes sir.
- Q Do you get that from family history and tradition? A Yes sir.
- Q Did Alabeth Freeman or any Choctaw ancestor of yours live on land in the old Choctaw Nation after the treaty of 1830 was ratified for five years, and then get a patent from the government for that land? A No sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir.
- Q Did any of them go between 1833 and 1838 with the other Indians at the expense of the government? A No sir.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A No sir.

In 1837 and also in 1842 by various acts of Congress commissions were appointed to go to Mississippi and hear claimants who stated that they had attempted to register under article 14 of the treaty of 1830, but had been prevented from so doing by Colonel Ward, and as a result of their refusal the government officers had taken their land from them in the old Choctaw Nation and sold it.

- Q Did any of your Choctaw ancestors go before either of these two commissions and claim any bene fits under article 14 of that treaty, that you ever heard of? A No sir.
- Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This scrip was issued under an act of Congress approved August 23rd, 1842.

- Q Do you speak the Choctaw language? A No sir.

This applicant is allowed time to and including the 24th day of March, 1903, for the introduction of other testimony in this case.

- Q Do you want to have your case considered under the application of John H. Bennight? A Yes sir.

The case of John H. Bennight, et al., M C R 6255, is referred to for the purpose of consolidation.

- Q Would you also like to have your case considered under the cases of Margaret Woodward and Lydia Jane Owen, and Floyd Woodward? A Yes sir.

By Judge Thomas, attorney for applicant: This applicant, Annis Louisa Fisher, claims as a Mississippi Choctaw as a descendant of Alabeth Ball; she is the daughter of Winnie Wood who married one Howard; Winnie Wood was the daughter of Henry Wood and Sarah Freeman; Sarah Freeman was the daughter of Aaron Freeman and Alabeth Ball. This applicant has been twice married; first to Leonidas Brown, by whom she has living nine children, namely: Parthenia

Annis L Fisher-----4

J. Head, Mithree E. Brown, Maud O. Garrison, William M. Brown, and the five minor children mentioned by her in her testimony. She claims her Choctaw blood, first: through Winnie Wood, who was one eighth Choctaw; second: to Sarah Freeman, who was one quarter Choctaw, and third to Alabeth Ball, who was one half Choctaw.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair, blue eyes, medium fair complexion; she has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 4th day of March, 1903, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 19 day of March, 1903.

W H Martin
Charles H. Sawyer

Notary Public.

M.C.R. 6800
" 6824
" 7319
" 6833

Muskogee, Indian Territory, April 2, 1903.

Thomas A. Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th ultimo, enclosing original marriage licenses and certificates between Alexander Clinton and Loris Hill, offered in support of the application of Alexander Clinton for the identification of himself and minor child as "Mississippi Choctaw"; original marriage license and certificate between John Carr and Parthena Brown, original marriage license and certificate between William H. Head and Parthena Carr, offered in support of the application made by Parthena J. Head for the identification of herself and minor children as "Mississippi Choctaw"; certificate of marriage between John P. Harper and Sarah Louisa, offered in support of the application made by James P. Harper for the identification of himself and minor children as "Mississippi Choctaw" and certified copy of the marriage certificate between J.H. Brown and Annie Howard, also certified copy of marriage certificate between Joseph Fisher and A.L. Brown, offered in support of the application made by Annie L. Fisher for

T & H 2

the identification of herself and minor children as Mississippi Choctaws.

The same have been filed with the records in these respective cases.

Respectfully,

Commissioner in Charge.

COPY: M. C. R. 6823.

Muskogee, Indian Territory, June 15, 1904.

Annis Louisa Fisher,
Wymore, Nebraska,

Dear Madam:

You are hereby notified that the Commission to the five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Lafayette Brown, Lilita Cora Brown, Maggie May Brown, Lois Mabel Brown and Cecil Ward Brown.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

Tame Dixby.

Chairman.

Registered.

M.C.R. 6823.

Muskogee, Indian Territory, May 8, 1905.

Annis L. Fisher,
Wymore, Nebraska.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6823

No. 6823

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 4 1903

Date

Name Annis L. Fisher

Age 48

Blood 1/16

Post Office, Wymore, Neb

Father: Philip J. Howard, d

Mother: Winnie " d

Claims through mother. 1/8

Husband (1) ~~Leonidas H. Brown~~

Leonidas H. Brown, d 1 w.

(2) Joseph Fisher, C. W.

No claim for husband's

Children:

Lafayette Brown, 20.

Lilla C. " F. 17

Maggie May " 15

Lois M. " F. 11

Cecil W. " M. 8 *

Claims for self &
minors

Stenographer, W. H. Martin

A MISSISSIPPI CHOCTAW.

REFUSED

Amis. L. Fisher et al

DECISION RENDERED

JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 15 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
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NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR CHOCTAW
AND CHICKASAW NATIONS.

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Choctaw MCR 6824

Parthenia J. Head

MCR 6824

#6824.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 4, 1903.

In the matter of the application of Parthenia J. Head for the identification of herself and her eight minor children, George, Ella and Alfred Carr, and Wanda G., Gladys E., Ruth M., Ceola and Naomi M. Head, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

Parthenia J. Head being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Parthenia J. Head.
Q What is your age? A Thirty-one.
Q What is your post office address? A Blue Springs, Nebraska.
Q How long have you lived in Nebraska? A We have lived in Nebraska---
well, I dont know hardly,-- I was about ten years old I think,--
about twenty-one years I think we have lived there.
Q In Blue Springs how long? A Five years.
Q Where were you born? A Texas County, Missouri.
Q You went from Missouri to Nebraska? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Leonidas H. Brown.
Q What is your mother's name? A Annis Louisa Brown.
Q Annis Louisa Fisher now is it? A Yes sir, thats her name now.
Q She has just made application to be identified as a Mississippi
Choctaw? A Yes sir.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One thirtysecond I believe.
Q Is your mother one sixteenth Choctaw Indian? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by
any authority whatever up to the present time? A No sir.
Q Is your husband living? A Yes sir.
Q He is a white man? A Yes sir.

By Judge Thomas, attorney for applicants: She has been married twice.

By the Commission:

- Q Have you children by both marriages? A Yes sir.
Q What was your first husband's name? A John Carr.
Q Is he dead? A Yes sir.
Q What was his race? A He was a white man.
Q Have you children by him? A Yes sir.
Q How many? A Three.
Q What are the names of these children, beginning with the oldest?
A George Carr.
Q How old? A Fourteen.
Q The next? A Ella Carr.
Q How old? A Twelve.
Q The next? A Alfred Carr.
Q How old? A Ten.

Parthenia J Head----2

- Q John Carr was the father of these children was he? A Yes sir.
Q What is the name of your second husband? A William H. Head.
Q He is living? A Yes sir.
Q His race is what? A A white man.
Q You don't make any claim for him? A No sir.
Q How many children have you by your second husband? A Five.
Q What is the name of the oldest? A Wanda G. Head.
Q A girl? A Yes sir.
Q How old? A Nine.
Q What is the name of the next child? A Gladys E. Head.
Q How old? A Seven.
Q The next? A Ruth M. Head.
Q How old? A Five.
Q The next? A Ceola Head.
Q How old? A Three.
Q Is that a girl? A Yes sir, all girls.
Q The next? A Naomi M. Head.
Q How old is she? A Four months.
Q Are these children all living with you at your home now? A Yes sir.
Q Is your first husband, John Carr, the father of these three first minors, George, Ella and Alfred Carr? A Yes sir.
Q And William H. Head is the father of Wanda G., Gladys E., Ruth M., Ceola and Naomi M. Head? A Yes sir.
Q Is your name, with the names of any of these children, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A No sir.
Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A Yes sir.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Parthenia J Head-----3

- Q That is article 14 of the treaty of 1830; you understand it do you not? A Yes sir.
- Q Do you know if any of your Choctaw ancestors complied with that article? A No sir, I dont know.
- Q You claim through Alabeth Freeman, nee Bail, dont you? A Yes sir.
- Q What relation was she to you? A My great great grandmother.
- Q How much Choctaw blood did she have? A One half.
- Q Did she go to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified, and register or attempt to register under article 14 of that treaty? A I have been told she did.
- Q That is family history and tradition? A Yes sir.
- Q Do you know whether she or any Choctaw ancestor of yours lived on land in the old Choctaw Nation for five years and then got a patent from the government for that land? A No sir, I do not.
- Q Did any of your Choctaw ancestors live in Mississippi or Alabama in 1830 and have a family there then? A I dont know.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I dont know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A Not that I know of.

In 1837 and also in 1842 commissions were appointed which went to Mississippi and heard claimants under article 14 of the treaty of 1830. These commissions were appointed for the reason that a good many Choctaw Indians tried to register under article 14, but were prevented from so doing by Colonel Ward, and as a result of his conduct in refusing to allow them to register their land in the old Choctaw Nation was taken from them by the government and sold, and they made so many complaints that these commissions were appointed to hear them.

- Q Did any of your Choctaw ancestors go before either of these commissions and claim any benefits under article 14 of that treaty? A I dont know.
- Q Did any of them receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.
- Q You have heard a number of your relatives testify today have you not? A Yes sir.
- Q And all of them claimed through the same common ancestor through whom you claim? A Yes sir.
- Q Is there anything more you want to say in addition to the testimony you have heard given by them? A Nothing that I know of.
- Q Do you understand or speak the Choctaw language? A No sir.
- Q Are you related to John H. Bennight? A Yes sir.
- Q What relation? A Third cousin.
- Q Would you like to have your case considered under his application? A Yes sir.

The case of John H. Bennight, et al., M C R 6253, is here referred to for the purpose of consolidation.

This applicant is allowed time to and inclusive of the 24th day of March, 1903, for the introduction of other testimony in this case if she desires.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has brown hair, medium

Parthenia J Head-----4

fair complexion, blue eyes. She has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 4th day of March, 1903, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 19 day of March, 1903.

Charles H. Hester

Notary Public.

M.C.R. 6802
• 6824
• 7319
• 6833

Muskogee, Indian Territory, April 2, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th ultimo, enclosing original marriage license and certificate between Alexander Clinton and Lonie Hill, offered in support of the application of Alexander Clinton for the identification of himself and minor child as Mississippi Choctaws; original marriage license and certificate between John Carr and Parthena Brown, original marriage license and certificate between William H. Head and Parthena Carr, offered in support of the application made by Parthena J. Head for the identification of herself and minor children as Mississippi Choctaws; certificate of marriage between Ruben P. Harper and Sarah House, offered in support of the application made by James B. Harper for the identification of himself and minor children as Mississippi Choctaws and certified copy of the marriage certificate between J.H. Brown and Annie Howard, also certified copy of marriage certificate between Joseph Fisher and A.L. Brown, offered in support of the application made by Annie L. Fisher for

T & H 2

the identification of herself and minor children as Mississippi Choctaws.

The same have been filed with the records in these respective cases.

Respectfully,

Commissioner in Charge.

COPY.

M. C. R. 6824.

Muskogee, Indian Territory, June 15, 1904.

Parthenia J. Head,

Blue Springs, Nebraska.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, George Carr, Ella Carr, Alford Carr, Wanda G. Head, Gladys E. Head, Ruth M. Head, Ceola Head and Naomi M. Head.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED)

Tamc Dixby.

Chairman.

Registered.

M.C.R. 6824.

Muskogee, Indian Territory, May 8, 1905.

Parthenia J. Head,

Blue Springs, Nebraska.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6824

No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 4 1903

Name Parthenia J. HeadAge 31- Blood 1/32Post Office, Blue Springs, Neb.Father: Leonidas H. Brown, d.Mother: Annis L. Fisher, c.Claims through mother, - '116Husband (1)John Carr - d. vxHusband (2)William H. Haged, l. wChildren: no claim for husbandGeorge Carr, 14Ella " 12Alfred " 10John Carr (1851-1881) father of above 3 childrenWanda G. Head, 9Gladys E. " 7Ruth M. " 5-Cora " 3Naomi M. 4m5 last children by 2nd husbandclaims for self and 8 childrenMonographer W. H. Martin

A MISSISSIPPI CHOCTAW.

Parthenia J. Head et

REFUSED

DECISION RENDERED

JUN 15 1904

**NOTICE OF DECISION FORWARDED
APPLICANT**

JUN 15 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
CHICKASAW NATIONS.

REF

6355

Choctaw MCR 6825

Mithroe B. Brown

MCR 6825

#6825.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 4, 1903.

In the matter of the application of Mithroe B. Brown for identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Mithroe B. Brown being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Mithroe B. Brown.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Tate, Nebraska.
Q How long have you lived in Nebraska? A About twenty-one years.
Q And the rest of the time where? A Missouri and Texas.
Q Were you born in Missouri? A No sir, Texas.
Q From there you went to Missouri? A Yes sir.
Q And from there to Nebraska? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Leonidas H. Brown.
Q What is your mother's name? A Annis Louisa Fisher.
Q She has made application today? A Yes sir.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One thirtysecond.
Q Do you claim your mother is one sixteenth Choctaw blood? A Yes sir.
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I dont know.
Q Are you married? A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Is this your first application to any authority for citizenship rights in the Choctaw Nation? A Yes sir.
Q Do you want to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand that article? A I think I do.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him or her ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of

this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that article do you not? A I think I do.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A Yes sir, Alabeth Freeman.
- Q What is the name of the ancestor that you claim through now? A Alabeth Freeman, or Ball.
- Q How much Choctaw blood did she have? A Why, she was one half.
- Q Was her husband, Aaron, a white man? A Yes sir.
- Q What relation was Alabeth Freeman to you? A She was my great great grandmother.
- Q Did Alabeth Freeman live in Mississippi in 1830 or in Alabama in the old Choctaw Nation, and have a family there then? A I dont know nothing about that.
- Q Do you know where she did live at any time? A I understand she lived in Missouri.
- Q Did she go to Colobel Ward within six months from the ratification of the treaty of 1830 and try to register under article 14 of the treaty of 1830? A I understand she did.
- Q Did she register? A No sir, I dont think she did.
- Q Did she then go back to Missouri? A Thats the way I understand, yes sir.
- Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation either in Mississippi or Alabama for five years after the treaty of 1830 was ratified and then get a patent from the government for that land? A Not that I know of.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence in the Choctaw Nation, Indian Territory? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw nation in 1830? A I dont know.
- Q Did any of them go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I dont know that either.
- Q Did any of them go before the commission of 1837 or the commission of 1842, and claim any rights under article 14 of the treaty of 1830? A I dont know.

These commissions were appointed, one by an act of Congress approved March 3rd, 1837, and the other by an act of congress approved August 23rd, 1842, for the purpose of hearing Choctaw Indians who tried to register under Colonel Ward, and were refused the right of registration by him; they tried to register under article 14 of the treaty of 1830 within six months from the ratification of that treaty, and because they were refused the right to register by Colonel Ward they afterwards had their lands taken from them by the government and sold. In 1842 by an act of congress approved August 23rd of that year scrip was issued to Choctaw Indians who proved their rights under article 14 of the treaty of 1830 and also proved that their lands had been taken from them in the old Choctaw Nation and sold. These certificates or scrip allowed the people who received it to select and in Mississippi, Alabama, Louisiana or

Mithroe B Brown-----3.

Arkansas.

- Q Did any of your Choctaw ancestors receive any of this scrip? A Not that I know of.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Do you want to have your case considered under the application of John H. Bennight? A Yes sir.

The case of John H. Bennight, et al., M C R 6255, is here referred to for the purpose of consolidation.

- Q What relatives of yours have been here today, Parthenia J. Head?
- A Yes sir, my Mother, Mrs Louisa Fisher.

That case is referred to, M C R 6823.

This applicant is allowed to and inclusive of the 24th day of March, 1903, for the introduction of other testimony if desired.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair, gray eyes, medium dark complexion. Has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the 4th day of March, 1903, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 19 day of March, 1903.

Charles H. Sawyer

Notary Public.

M C R 6719
M C R 6825

Muskogee, Indian Territory, July 6, 1903.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of June 18, 1903, enclosing affidavits of John and Ellen Hansbearry in support of the Mississippi Choctaw case of Nithroe B. Brown.

Also certified copy of marriage license and certificate between Chas. Gravenmire and Clarissa Jane Freeman, offered in support of the Mississippi Choctaw case of Clarissa J. Gravenmier, et al.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

COPY:

M. C. R. 6825.

Muskogee, Indian territory, June 15, 1904.

Mithroe B. Brown,
Tate Nebraska,

Dear Sir:

You are hereby notified that the Commission to the five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John. H. Bennight et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Dixby.

Chairman.

Registered.

M.C.R. 6825.

Muskogee, Indian Territory, May 8, 1905.

Mithroe B. Brown,
Tate, Nebraska.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight, et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6025

No. 6025

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 4 1903

Date

Name *Michae B. Brown* M

Age *27-* Blood $\frac{1}{32}$

Post Office, *Pate, Neb.* +

Father: *Leonidas H. Brown*, d

Mother: *Annis L. Fisher*, l

Claims through *mother*, $\frac{1}{16}$

Children:

Claims for self

Monographer *W. H. Martin*

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFUSED

McArthur, B. Brown

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED
APPLICANT

JUN 21 1904

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANT

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

MAY 28 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

REFER TO M. C. R.
6255

Choctaw MCR 6826

Maud O. Garrison

MCR 6826

#6826.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory,
March 4, 1903.

In the matter of the application of Maud O. Garrison for the identification of herself and her two minor children, Ray and Nina Garrison, as Mississippi Choctaws.

Thomas A. Harrison, attorneys for applicants.

Maud O. Garrison being duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Maud O. Garrison.
Q What is your age? A Twenty-five.
Q What is your post office address? A Wymore, Nebraska.
Q How long have you lived there? A At Wymore about seven years.
Q How long in Nebraska? A About twenty-one years.
Q Where were you born? A Texas County, Missouri.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Leonidas H. Brown.
Q What is your mother's name? A Annis Louisa Fisher.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One thirtysecond.
Q You claim your mother is one eighth Choctaw Indian? A Yes sir,--- she is one sixteenth.
Q Has she ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q What is his race? A White man.
Q What is his name? A Clinton Ward Garrison.
Q Do you make any claim for him? A No sir.
Q Have you children? A Yes sir, two.
Q What is the name of the oldest? A Ray.
Q How old? A Six years old.
Q What is the name of the next one? A Nina.
Q How old? A Two years old.
Q You claim for yourself and two children? A Yes sir.
Q Is Clinton W. Garrison the father of these two children? A Yes sir.
Q Are you and he living together as husband and wife and these children living with you at your home? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself or your children either to the Choctaw tribal authorities or the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the

Maud O Garrison-----2

Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A No sir.

Q Do you now come before the Commission to identify yourself and children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article 14 of the treaty of 1830? A Yes sir.

Q You have heard that read and explained several times today? A Yes sir.

Article 14 of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is article 14 of the treaty of 1830; do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A Yes sir, Alabeth Ball.

Q Did you ever hear that your ancestor, Alabeth Ball, did? A Yes sir.

Q You get that from family history and tradition? A Yes sir.

Q What was Alabeth Ball's married name? A Freeman.

Q What was her husband's name? A Aaron Freeman.

Q What relation was she to you? A My great great grandmother.

Q Was her husband, Aaron Freeman, a white man? A Yes sir.

Q Did she live in the old Choctaw Nation either in Mississippi or Alabama in 1830 and have a family living with her there at that time? A I don't know.

Q Where was she born if you know? A I don't know.

Q Do you know when and where she died? A No sir.

Q Where did she live the most of her lifetime? A I don't know; Missouri I think.

Q Did she die well advanced in years? A Yes sir, she was an old woman when she died.

Q You claim through your mother? A Yes sir.

Q And she has made application to be identified today? A Yes sir.

The case of the mother of this applicant, Annis Louisa Fisher, M C R 6823, is here referred to.

Q Your mother claimed through whom, father or mother? A Mother.

Q What was her mother's name? A Winnie Wood.

Q She married whom? A Phillip J. Howard.

Q Now, Winnie Wood claimed through whom? A Mother.

Q What was her name? A Sarah Freeman.

Q And was her mother Alabeth Ball? A Freeman, yes sir.

Q Did any of your Choctaw ancestors live in Mississippi or Alabama in 1830 and have a family there then? A I don't know.

Maud O Garrison-----3

- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel William Ward, at his agency in Mississippi, and register or attempt to register under article 14 of the treaty of 1830?
A Yes sir.
- Q You are sure about that? A That's what has been told, family history.
- Q Who told you that? A Family history.
- Q Family history and tradition? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors lived on land in that old Choctaw Nation for five years after the treaty of 1830 was ratified, and at the end of five years received a patent of that land from the government under article 14 of the treaty of 1830? A No sir.
- Q Did any of them claim any land in the old Choctaw Nation under article 14 of that treaty? A I don't know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, at any time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a permanent residence or home in the Choctaw Nation, Indian Territory? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830? A I don't know.
- Q Did any of them go from the old Choctaw Nation to the Choctaw Nation, Indian Territory, between 1833 and 1838 with the other Indians at the expense of the government under the general provisions of the treaty of 1830? A No sir.
- Q Did any of them go before the commission of 1837 appointed by an act of congress approved March 3rd of that year, or before a commission appointed by an act of congress approved August 23rd, 1842, and claim any benefits under article 14 of the treaty of 1830? A I don't know.

These two commissions were appointed at these various times because of the complaints of Choctaw Indians who had attempted to register under article 14 of the treaty of 1830, but had been prevented from so doing by Colonel Ward, the Indian Agent, and because they did not register the government afterwards took their land from them and sold it at its public land sales.

In 1842 by an act of Congress approved August 23rd of that year scrip was issued to Choctaw Indians who proved their rights under article 14 of the treaty of 1830, and also proved that their land had been taken from them and sold by the government.

- Q Did any of your Choctaw ancestors receive any of this scrip, which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q Do you understand or speak the Choctaw language? A No sir.

Time will be allowed this applicant to and inclusive of the 24th day of March, 1903, for the purpose of introducing other proof in this case if she desires to do so.

- Q What relation is John H. Bennett to you? A Third cousin.
- Q He has made application to be identified as a Mississippi Choctaw; do you want to have your case considered under his application?
A Yes sir.

Yaud O Garrison-----4.

The case of John H. Bennight, et al., M C R 62 5, is here referred to for the purpose of consolidation.

This applicant has the appearance and physical characteristics of being descended from white parentage; her hair is brown, dark brown eyes, medium dark complexion; does not understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830 other than family history and tradition.

W. H. Martin being duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings at Muskogee, Indian Territory, on the fourth day of March, nineteen hundred and three, and that the within and foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this ¹⁹ninth day of March, nineteen hundred and three.

Charles H. Sawyer

Notary Public.

W.C.R. 7357
" 6826
" 7270
" 7113

Muskogee, Indian Territory, April 2, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 26th ultimo, enclosing certified copy of the marriage certificate between John Harper and Louisa Loyd, offered in support of the application made by John Harper for identification as a Mississippi Choctaw; certified copy of marriage certificate between C.W.T. Garrison and Maude O. Brown, offered in support of the application made by Maude O. Garrison for the identification of herself and minor children as Mississippi Choctaws; original marriage certificate between Wm. Alexander McClintock and Ida May Harper, offered in support of the application made by May Putnam for the identification of herself and minor children as Mississippi Choctaws; and the joint affidavit of John C. Woodward and Margaret Woodward to the marriage of Posey Freeman and his wife, Eliza Freeman, offered in support of the application made by Eliza J. Laurel for the

T & H 2

identification of herself and minor children as Mississippi Choctaws.

The same have been filed in these respective cases.

Respectfully,

Commissioner in Charge.

COPY.

M. C. R. 6826.

Muskogee, Indian Territory, June 15, 1904.

Maud O. Garrison,

Wymore, Nebraska,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Ray Garrison and Nina Garrison.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

W. D. DIXBY

Wm. D. Dixby.

(Chairman.)

Registered.

M.C.R. 6826.

Muskogee, Indian Territory , May 8, 1905.

Maud O. Garrison,

Wymore, Nebraska.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

6826

6826

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 4 1903

Name Maud O. Garrison

Age 25. Blood 1/32

Post Office, Wymore, Neb. -

Father: Leonidas H. Brown. d

Mother: Annis L. Fisher. l

Claims through mother 1/86 -

Husband

Clinton W. Garrison, l. w

No claim for husband

Children:

Ray Garrison, 6

Kina " 2

Claims for self 2

2 minors

Stenographer W. H. Martin

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

R. 682

REFUSED

Maud. O. Garrison

DECISION RENDERED **JUN 15 1904**

NOTICE OF DECISION FORWARDED
APPLICANT

NOTICE OF DECISION
FORWARDED ATTORNEYS

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS

JUN 15 1904

RECORD FORWARDED DEPARTMENT.
AUG 16 1904

ACTION APPROVED BY
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT

MAY 1 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS
AND CHICKASAW NATIONS

TO M. C. F.
6-255

Choctaw MCR 6827

Thomas R. Perry

MCR 6827

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of Thomas R. Perry, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Thomas R. Perry, et al., M.C.R. 6827
George W. Perry, et al., M.C.R. 7317
Marion R. Perry, et al., M.C.R. 6828

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

	(Page)
Original application of Marion R. Perry, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Original application of George W. Perry, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	9
Marriage record of George W. Perry and Alice Manley-----	13
Original application of Marion R. Perry, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	14
Affidavit of Marion R. Perry-----	20
Decision of the Commission refusing the ap- plications in the consolidated case of Thomas R. Perry, et al., for identification as Mississippi Choctaws-----	22.

---0---

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 5, 1903.

6827

In the matter of the application of Thomas R. Perry for the identification of himself and his two minor children, Fazeands and Fulton Perry, as Mississippi Choctaws.

A. S. McRae attorney for applicant:

Thomas R. Perry being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas R. Perry.
Q What is your age? A About 70 I expect; between 65 and 70; I guess about 70.
Q What is your post office address? A Marvell, Arkansas.
Q How long have you lived in Marvel, Arkansas? A About 25 years I guess.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A Yellowbush County.
Q How long did you reside in Mississippi? A A good while; I cant tell; I was very young coming away.
Q You went where from Mississippi? A To Louisiana.
Q Where did you live there? A Catahoula Parish.
Q How long did you stay in that State? A Seven years.
Q Then you went where? A To Memphis Tennessee.
Q How long did you stay in that State? A About two years.
Q Well, you finally got to Arkansas and have lived there for the last----A I went to Illinois.
Q How long did you stay there? A About two years there.
Q Is your father living? A No sir, I don't know him.
Q Is your mother living? A No sir, they both died from what I can understand.
Q What was your father's name? A I never has heard his name; I never saw him.
Q Don't you know whether he was Indian, negro or white man? A No sir.
Q What was your mother's name? A Widow Perry; that's what they used to e everybody call her.
Q Was that the only name she had? A Rachel given name.
Q Rachel Perry? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I claims one half.
Q Are you half negro? A I don't know what I is; I don't know what my father was and I never has heard anybody say.

- Q Do you claim that your mother was a full blood Choctaw Indian?
A Yes sir.
- Q Did she speak the Choctaw language? A Yes sir.
- Q Did you ever hear her? A When I was a child; I was adopted when I was small.
- Q You were adopted by whom? A I suppose it must have been by her
- Q Adopted by your mother? A Yes sir.
- Q How was that? A Well, the man she adopted me to was a Indian; I suppose she wanted me.
- Q What you mean by saying you were adopted you mean that your mother let you go to somebody else and these people adopted you?
A Yes sir.
- Q Were they white people? A Yes sir, Kirk.
- Q What is the other name? A William Kirk.
- Q Where did he live? A In Yellowbush Mississippi.
- Q How old were you when your mother let you go to this white man?
A I can't tell you; I have no mind to tell.
- Q Were you a slave? A No sir.
- Q You were not a slave to this man? A No sir he never tried to make me a slave.
- Q When did you get your freedom then? A Just as soon as I was able to get about he let me go.
- Q How do you know your mother was a full blood Choctaw? A Cause she was called that by everybody.
- Q You have no idea who your father was? A No sir.
- Q How long has your mother been dead? A I can't tell you that; she died before I had any brains or could keep track of it.
- Q Do you think you are part Choctaw and part negro? A I don't know what to say about it.
- Q Well, you know what other people think about it; do other people think you have negro? A I believe myself it must have been colored man; I don't know.
- Q You think that your father was either a colored man or part colored man and your mother was a Choctaw woman? A Yes sir.
- Q Do you think you have any white blood? A No sir I don't think I have any white blood about me at all.
- Q Your father might have been mixed white and negro? A Yes sir; but I can't say; I don't know.
- Q Has your father ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir not that I know of.
- Q Is your wife living now? A Yes sir.
- Q Is she your first or second wife? A Second wife.
- Q Have you any minor children by your first wife? A No sir.
- Q You have children, however, by your first wife? A Yes sir.
- Q What was your first wife's name? A Lucy Ann.
- Q Was she a colored woman? A Yes sir.
- Q She's dead is she? A Yes sir.
- Q And you have married children by that wife? A Yes, two boys.
- Q What is the name of the second wife? A Ann Perry.
- Q Is she living? A Yes sir.
- Q Is she a colored woman? A Yes sir.
- Q Do you make any claim for this second wife? A No sir.
- Q Now give me the names of your children under age and unmarried?
A F-a-a-e-a-n-d-s.
- Q How old is this child? A He is about eighteen.
- Q That's a boy is it? A Yes sir.
- Q What is the name of the next child? A Fulton.
- Q Boy? A Yes sir.

THOS. R. PERRY---3

- Q How old? A Fifteen.
- Q Do you claim for yourself and these two boys? A Yes sir.
- Q Is your second wife Ann Perry the mother of these two children?
- A Yes sir.
- Q When were you married to your second wife, Ann Perry? A In '69.
- Q Do you know the day of the month? A No sir.
- Q Know where you were married? A Phillip's County, Arkansas.
- Q By a minister under a license? A Yes sir. I was married by license.
- Q Have you proof of that marriage with you now? A I have got it home; I could get the record; I could have fetched it.
- Q When and where were you married to your first wife? A Bolivar County, Mississippi; I can't tell the date.
- Q Is your name with the names of these two minor children on any of the tribal rolls of the Choctaw Nation in Indian Territory?
- A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory?
- A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
- Q And you never made application for your children for citizenship in the Choctaw Nation to any authority? A No sir.
- Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir, I don't.

The treaty of 1830 sometimes called the Treaty of Dancing Rabbit Creek was made in Mississippi between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek; the object of the Government in making this treaty with the Choctaw Indians was to remove off from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory all of them; before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory and in order to protect the interests of the Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the

present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of that treaty? A Yes sir.

Q Who do you claim through? Whom do you get your Choctaw blood from? A My mother.

Q What is her name? A Rachel Perry. They called her Widow Perry.

Q Was she full blood? A Full blood Indian yes sir.

Q Choctaw? A Choctaw.

Q Was she living in Mississippi in 1830 and did she have a family there then-- that is 73 years ago? A I don't know anything about that.

Q Was she born in Mississippi? A I suppose so; I don't know where she was born.

Q You were born in Mississippi? A Yes sir.

Q Seventy years ago or more or less? A I don't know I am somewhere near 70.

Q Born in Mississippi in Yellowbush County? A Yes sir.

Q Have you any older brothers or sisters by this mother? A No sir; I am the onliest child, I have ever heard tell of her having.

Q Now if you are 70 years old and you were born in Mississippi you were living in Mississippi as an infant in 1833 probably; do you know whether your mother was living there three years before that? A I don't know; I can't tell you. I only know I was born there and I supposed from the way people acted she must have been raised there herself somehow or another.

Q Do you know anything about her father or mother? A No sir; I was too little when I come away to know anything about her parents.

Q Do you know whether she went to Col. Ward the United States Indian agent within six months after the ratification of the treaty of 1830 and told him she wanted to stay there, take lands and become a citizen of the States? A No sir.

Q Did any of your Choctaw ancestors, your mother, or any other that you know anything about live on land in the old Choctaw nation there in Mississippi or Alabama for five years after the treaty of 1830 was ratified and at the end of that time get a patent or deed from the Government? A Yes, I have heard of that.

Q What do you know? A I have heard that she drew strip.

Q I am asking you whether she got a deed or patent from the Government? A I don't know anything about that.

Q Did she or any Choctaw ancestor of yours claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A Yes, I have heard talk of it.

Q Do you know whether any of your Choctaw ancestors went from the old Choctaw nation East of the Mississippi River that is went from Mississippi if your mother was living there to the Choctaw nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No sir, I don't know anything about that.

Q Did any of them go between 1833 to 1838 with the other Indians at the expense of the Government? A No sir, not as I know of.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? Did you ever hear about that?

A No sir.

proved March 3, 1837 and also in 1842 another Commission was appointed by an act of Congress approved August 23, that year; these Commissions were appointed because of the complaints made by different Choctaw Indians that they had attempted to register under article fourteen of the treaty of 1830 within six months from its ratification but had been refused registration by Col. Ward the United States Indian agent and because of his refusal these Indians had had their land taken from them in the old Choctaw nation and sold at Public Land Sale.

Q Do you know if your mother or any Choctaw ancestor of yours went before either of these two Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I heard they did.

Q You heard your mother went before one of these Commissions? A I heard she did.

Q Before which one did she go? A I can't tell; I only heard the old folks talking afterwards.

Q Tell me what you heard. A I have heard the old folks talking that she went before the Commission for her claims; that's all I know; I was too young.

Q Well you heard you said somebody received scrip; what do you mean? A I heard the man that adopted me say: "Your mother was drawing scrip and she ought to give you some of it."

Q What was it-- money? A I suppose so.

Q That's the way you heard it? A Yes sir.

Q That would seem as though she was drawing money somewhere? A Yes; I don't know what scrip was more than nothing.

Q You don't know now about it? A No, not too well.

Q Did you ever hear that your mother or any Choctaw ancestor of yours lived on land in Mississippi or Alabama which she claimed to have received from the Government; or did she ever get any land in Mississippi, Alabama, Arkansas or Louisiana that she got from the Government? A I heard that she got her lands from the Government.

Q Where did she get it? A I don't know about that; I heard the old folks talking that the Government give her land somewhere in Ya lowhush County; I don't know where she got it.

Q Had that scrip anything to do with the land she got? A I don't know.

Q Did she get that land from Col. Ward when she first went to him or did she get it after she had gone before a Commission in 1842 or 1837? A I don't know.

Q When did she live on that land did she live on that in 1830 when the treaty was made? A I am studying; from what I heard she lived on that land.

Q In 1830? A Yes sir.

Q That she got from the Government? A Yes sir.

Q How long did she continue to live on it? A As long as I know anything about her she was living on it.

Q Now you studied over that question and you think you know you are right about it? A I know pretty well I am right; just what I heard of it.

Q That she lived on that land in 1830 and from that time on? A Yes sir.

Q You won't chance that now if anybody asks you? A I never will change it; I have got so old I can't remember things like I used to.

Q How much land was there? A That I don't know.

Q Where was it situated? A I don't know that either.

Q Did you ever live on that land yourself? A No sir; she was gone before that; she had done adopted me before these things happened.

Q How old were you when she put you out for adoption? A May be four or five years old.

Q You must have lived on that land at least four or five years. A I don't know; children those days didn't have any sense at all.

Q Well, Uncle, that land, if your mother got it by virtue of any scrip, wasn't given to her until 1842 or after that year; because scrip was issued for lands in 1842 or by an act of Congress approved August 23, 1842, and by a Commission that was acting in Mississippi at that time; therefore she held any land in Mississippi from the Government between 1830 to 1842 she must have held it by some other right other than the right of scrip; you don't know anything about that, do you? A No sir; I can't recollect much about the whole business anyway for I was too young to keep any account of it.

Q Do you think that land was located in Mississippi? A Yes sir, in the State of Mississippi in Yellowbush County; that's what I have heard people say.

Q Do you speak or understand the Choctaw language? A I used to could talk it when I was a boy but I don't know only a few words of it.

Q Where did you learn it when you were a boy? A With the Choctaw boys.

Q When you went with this man that your mother bound you out to, did you hear Choctaw? A No sir; only from the Choctaws passing through the country; I used to could do lots but I have forgot most of it.

This applicant is allowed up to and including the 24th day of March, 1903, to introduce other proof.

Examination by Mr. McRae:

We would like to have the introduction of the records here in this case to show whether the name of the ancestor of this applicant appears

(NOTE by the Commission. The name Perry (Widow) appears on page 94 of Vol. VII American State papers in a list of captains entitled to an additional half section under article nineteen of the treaty of 1830 under the captaincy of Greenwood LeFlore or in Greenwood LeFlore's district; this person Perry (WIDOW) is there scheduled as receiving thirty acres of cultivated land, as having two in the family; total number of acres of land 490; under the head of general remarks, "land good".)

Q Mr. Perry, do you know whether that is your mother or not? A Widow Perry is my mother.

Q Well, is the widow Perry that is named whose name is on this list of beneficiaries under article nineteen of the treaty of 1830

in Greenwood LeFlore's District your mother? A I can't tell you; I was too young; I know my mother was called Widow Perry.
Q You haven't any proof now that that was your mother? A No sir, no proof upon earth that I know of.

(NOTE BY Commission: On page 135 in a list of claims allowed under the head of Greenwood LeFlore's District in Vol.VII of American State Papers appears the name Perry (Widow), number of acres of cultivated land 30; number of acres allowed 480.)

Q Do you know whether this widow Perry whose name appears on page 135 Vol.VII American State Papers is your mother? A That's my mother.

Q Do you know it for a sure thing? A If it is Widow Perry I know it and would swear it.

Q How do you know that the Widow Perry whose name appears here is your mother; there may be more Perrys? A I don't know; I swear that my mother was that name.

Q Do you swear that this is your mother? A If there is no other widow Perry there it is my mother.

Q Do you know whether this is your mother or not? A Yes, if it is Widow Perry it is my mother.

Q Well, just a moment ago you swore that you didn't know whether the widow Perry on page 94 of the American State Papers Vol.VII was your mother and now you swear that this is your mother and it is the same person. A Well, it must be my mother.

Q Well, you have no proof of that fact? A No sir; only from what the people and everybody told me.

Q Did you ever hear that your mother, Widow Perry, received any land in Greenwood LeFlore's District under article nineteen of the treaty of 1830? A I don't know that; but I heard she got land.

Q And your belief is that she got land as shown here in Greenwood LeFlore's District? A The man that adopted me told me she had land.

Q And you think this is the same one and you think this is the land she got? A Yes sir.

(To Attorney): Q Any questions? A No sir.

This applicant has the appearance of being descended from ancestry composed of negro blood; he has possibly a mixture of white but knows nothing of that; he undoubtedly has Indian blood also which he claims to be Choctaw; his hair is white now.

Q What was the color of your hair at one time? A Just as black as it can be.

His hair was formerly black, his eyes are black and his complexion is a copper brown hue; his hair is straight; he has no marked negro characteristics, and yet as he himself admits he has undoubtedly negro blood. The Commission is unable to determine the quantity. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of 1830.

He claims that the widow Perry whose name appears in a list of beneficiaires under article nineteen of the treaty of 1830 in Greenwood, Oglethorpe's District is his mother but has no proof beyond the fact that he believes this to be so and also believes that his mother formerly occupied land in the old Choctaw nation. His hair is curly on the end. The list in the possession of the Commission of claimants under article fourteen of the treaty of 1830 who received scrip under the act of Congress approved August 23, 1842, examined and the name of widow Perry does not appear thereon.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 5, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 21 day of March, 1903.

Charles H. Sawyer

Notary Public.

COPY.

COPY.

129

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Thomas R. Perry, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Thomas R. Perry, et al.,	M.C.R. 6827
George W. Perry, et al.,	M.C.R. 7317
Marion R. Perry, et al.,	M.C.R. 6828

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Thomas R. Perry for himself and his two minor children, Pascande
and Fulton Perry; by George W. Perry for himself and his three
minor children, George R., Edward T. and Emma B. Perry; and by
Marion R. Perry for himself and his two minor children, Henderson
Turner and Marion R. Perry Jr., under the following provision of the
act of Congress approved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Rachel (or Widow) Perry, who is alleged to have been a full-blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Widow (or Susan) Perry appears on page 27, Volume I of Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, in a "report of commissioner, certifying sales of Choctaw reservations under the nineteenth article of the treaty of eighteen hundred and thirty, and the instructions of the War Department of October 8, 1836." It is further found that the name Widow Perry appears on page 94 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Lefflore's district in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Pancake Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive

stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The name Widow Perry is also found on page 135 of said record in a list of claims allowed under the treaty in Greenwood Leflore's district, apparently under the nineteenth article of said treaty; but the records above referred to in no way relate to article fourteen of the treaty of eighteen hundred and thirty, or show a compliance or attempted compliance on the part of the persons therein named with its provisions.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Rachel (or Widow) Perry signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas R. Perry, Fazeands Perry, Fulton Perry, George W. Perry, George R. Perry, Edward T. Perry, Emma M. Perry, Marion R. Perry, Henderson Turner Perry and Marion R. Perry Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused,

-4-

and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bibb

Chairman.

(SIGNED)

I. B. Needles

COMMISSIONER.

(SIGNED)

C. R. Drockinridge

COMMISSIONER.

(SIGNED)

J. E. Stanley

Muskogee, Indian Territory,

SEP 20 1891

COPY.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Thomas R. Perry, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Thomas R. Perry, et al.,	M.C.R. 6827
George W. Perry, et al.,	M.C.R. 7317
Marion R. Perry, et al.,	M.C.R. 6828

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It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Thomas R. Perry for himself and his two minor children, Fascanda
and Yulton Perry; by George W. Perry for himself and his three
minor children, George R., Edward T. and Emma B. Perry; and by
Marion R. Perry for himself and his two minor children, Henderson
Turner and Marion R. Perry Jr., under the following provision of the
act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Rachel (or Widow) Perry, who is alleged to have been a full-blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Widow (or Susan) Perry appears on page 27, Volume I of Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, in a "report of commissioner, certifying sales of Choctaw reservations under the nineteenth article of the treaty of eighteen hundred and thirty, and the instructions of the War Department of October 8, 1836." It is further found that the name Widow Perry appears on page 94 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's district in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive

stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The name Widow Perry is also found on page 135 of said record in a list of claims allowed under the treaty in Greenwood Leflore's district, apparently under the nineteenth article of said treaty; but the records above referred to in no way relate to article fourteen of the treaty of eighteen hundred and thirty, or show a compliance or attempted compliance on the part of the persons therein named with its provisions.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Rachel (or Widow) Perry signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas R. Perry, Fincanda Perry, Fulton Perry, George W. Perry, George R. Perry, Edward T. Perry, Nann . . . Perry, Marion R. Perry, Henderson Turner Perry and Marion R. Perry Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused,

and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) James Bixby.
Chairman.

(SIGNED) T. B. Needles.
COMMISSIONER.

(SIGNED) C. R. Breckinridge.
COMMISSIONER.

(SIGNED) W. H. Stanley.
COMMISSIONER.

Muskogee, Indian Territory,

_____.

M C R 6827✓
M C R 6828

Muskogee, Indian Territory, March 20, 1903.

Marion R. Perry,

Pine Bluff, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your affidavit offered in support of the application made by Thomas R. Perry for the identification of himself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 29, 1903.

A. S. McRae,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas R. Perry, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas R. Perry, et al., M.C.R. 6827
George W. Perry, et al., M.C.R. 7317
Marion R. Perry, et al., M.C.R. 6828.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas R. Perry, Pascanda Perry, Dalton Perry, George W. Perry, George R. Perry, Edward T. Perry, Emma R. Perry, Marion R. Perry, Henderson Turner Perry, and Marion R. Perry Jr., as Choctaw Indians entitled to rights in the

Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. B. Neelice.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, October 29, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 29th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas R. Perry, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas R. Perry, et al., M.C.R. 6827
George W. Perry, et al., M.C.R. 7317
Marion R. Perry, et al., M.C.R. 6828.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas R. Perry, Waseanda Perry, Fulton Perry, George W. Perry, George R. Perry, Edward T. Perry, Emma B. Perry, Marion R. Perry, Henderson Turner Perry and Marion R. Perry, Jr., as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

M, M & C, -2-

time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, November 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Thomas R. Perry, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 29, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Thomas R. Perry, et al.,	M. C. R. 6827,
George W. Perry, et al.,	M. C. R. 7317,
Marion R. Perry, et al.,	M. C. R. 6828.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the.

Commissioner of Indian Affairs.

Chairman.

2 Enc. M.C.R. 6837.

Land.
75,094-1903.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

March 1, 1904.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the record of the Commission to the Five Civilized Tribes, in the matter of the application of Thomas R. Perry for the identification of himself and his two minor children, Fazeanda and Fulton Perry; by George W. Perry for the identification of himself and his minor children George R., Edward T. and Emma B. Perry, and by Marion R. Perry for himself and his two minor children, Henderson Turner and Marion R. Perry, Jr., as Mississippi Choctaws, wherein a decision rejecting them was entered by the commission on October 29, 1903.

The record in this case shows that the applicants found their claims to a right to identification as Mississippi Choctaws on their descent from Rachel or Widow Perry who is alleged to have been a full blood Choctaw Indian, but as to whether she was a resident of Mississippi in 1830 or the head of a family at that time and as such head of a family owned improvements within the Choctaw country and was recognized as a member of the Choctaw tribe, they are unable to state, saying she was a resident of Mississippi during her life time.

As to whether she complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty, the parties are unable to state.

The commission has rejected the applicants for the reason that none of the applicants have ever been enrolled by the Choctaw tribal authorities as members of the tribe or admitted to Choctaw citizenship by a duly constituted court or committee of the nation or by the Commission to the Five Civilized Tribes, or by decree of the United States Court in Indian Territory.

It is found in the record of the Commission that Widow or Susan Perry was a resident of the Choctaw Nation, in Mississippi in 1830, having lived in Greenwood LeFlore's district, but it does not appear from the testimony or other evidence offered in support of the applications or from the record in the possession of the commission relative to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830, that Rachel or Widow Perry was a beneficiary under the 14th article of the Choctaw treaty.

The records of this office have been examined with reference to Rachel or Widow Perry and it is ascertained that there was no beneficiary under the 14th article of the Choctaw treaty by that name. There was a Susan Perry, otherwise known as Widow Perry, who received under the 19th article of the treaty, the southeast quarter of the southwest quarter and northwest quarter of section 25, township 23, north, range 4 east, Grenada County, Mississippi, and her sale of this land was approved by the President of the United States.

3.

The Perry family was rather unfortunate in their attempts to secure benefits under the 14th article of the Choctaw treaty, Penola Perry, a woman, having been the only member of the family who was successful. Joseph Perry, whose wife's name was Cassa; Moses Perry whose wife's name was Wishahoya, and Sina Perry, a woman were applicants for land under the provisions of the 14th article and were all rejected. Ned Perry, James Perry, Hardy, John, Joseph and Isaac Perry, were beneficiaries under the 19th or other articles of the treaty or supplemental treaty other than the 14th article.

The ancestor claimed under by these people was not a beneficiary under the 14th article according to the records of this office, and I am therefore of the opinion that the decision of the commission rejecting them should be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(E.B.H.) P.

W.C.F.

DEPARTMENT OF THE INTERIOR.

I.T.D. 1782-1904.

WASHINGTON.

FHE

D. S 9210-1904.

March 19, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

November 14, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Thomas R. Perry, for himself and his two minor children, Fazeands and Fulton Perry; of George W. Perry for himself and his three minor children, George R., Edward T. and Emma B. Perry; and of Marion R. Parry for himself and his two minor children, Henderson Turner and Marion R. Perry Jr., including your decision of October 29, 1903, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being decendants of Rachel (or Widow) Perry, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in 1830.

The evidence as furnished by the record, as well as the evidence contained in the records of the Indian Office, fails to show that said ancestor, Rachel (or Widow) Perry, ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

2.

Reporting in the matter March 1, 1904, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

M.C.R. 6827

Muskogee, Indian Territory, April 7, 1904.

Thomas R. Perry,

Marvonn, Arkansas.

Dear Sir:

You are hereby notified that on the 19th day of March, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas R. Perry, et al., of which decision you were advised by registered mail on the 29th day of October, 1903.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 7, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of March, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas R. Perry, et al., of which decision you were advised by mail on the 29th day of October, 1903.

Respectfully,

Commissioner in Charge.

Copy

I.C.P. 6827

Muslogee, Indian Territory, April 7, 1904.

A. B. McRae,

Attorney-at-Law,

Muslogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 19th day of March, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas A. Perry, et al., of which decision you were advised by registered mail on the 29th day of October, 1903.

Respectfully,

(SIGN-5)

I. B. McRae

Commissioner in Charge.

copy.
M.C.R. 6827

Muskogee, Indian Territory, October 29, 1903.

Thomas R. Perry,
Marvell, Arkansas.

Dear Sir:

You are hereby advised that on the 29th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas R. Perry, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas R. Perry, et al., M.C.R. 6827
George W. Perry, et al., M.C.R. 7317
Marion R. Perry, et al., M.C.R. 6828.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas R. Perry, Pascashe Perry, Fulton Perry, George W. Perry, George R. Perry, Edward T. Perry, Emma B. Perry, Marion R. Perry, Henderson Turner Perry and Marion R. Perry Jr., as Choctaw Indians entitled to rights in the

Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

W. J. Hall
Commissioner in Charge.

Registered.

CARD No.

NAME

RESIDENCE—COUNTY

POST OFFICE

AC

ack 6827

Thomas K. Perry et al.

Consolidated Co.

Rachel (a Widow) Perry, full,
Dead

Wick
6827
Thomas R Perry. 70 1/2
wife
① Lucy Ann Perry, reg. 1
② Ann Perry. - 2

Wick
7317
George W. Perry. 50. 1/4
wife
Alice Perry. reg.

Wick
6828
Marion R. Perry. 48 1/4
wife
Ida R. Perry. reg.

Wick
6827
Fazeands Perry 18
Sulton Perry. 18

Wick
7317
George R. Perry. 10
" Edward J. Perry. 8
" Emma B Perry. 6

Wick
6828
Henderson, Turner Perry. 11
" Marion R. Perry. Jr. 10

6827

No.

6827

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 5 1903

Date

Name Thomas R. Perry

Age 70 +

Blood

1/2

Post Office, Marvell, Ark. -

Father:

~~~~~

d

Mother:

Widow Perry,

d

or Rachel Perry

Claims through

mother, full and  
wife (1)

Lucy Ann Perry, d) col.

wife (2) Ann Perry, d) "

no claim for No 2.

Children:

Fazands Perry, M 18

Fulton

" M. 15

(No 2 mother of children)

Claims for self  
and 2 minors

Stenographer

N. G. Harris

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Thomas. R. Perry et*

RECORDED

NOV 1 1877

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

APR

Choctaw MCR 6828

Marion R. Perry

MCR 6828

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 5, 1903.

6628

In the matter of the application of Marion R. Perry for the identification of himself and his two minor children, Henderson Truner and Marion R. Perry, Jr., as Mississippi Choctaws.

A.S. McRae, attorney for applicants:

Marion R. Perry being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Marion R. Perry.  
Q What is your age? A I am forty eight.  
Q What is your post office address? A Pine Bluff, Arkansas.  
Q How long have you lived there? A Since the Summer of '86.  
Q Where were you born? A In Mississippi.  
Q Where in Mississippi? A Bolivar County.  
Q Tell where you went from and to till you got to Arkansas.  
A We lived in Tennessee several years-- I don't know the years-- and then we went to Mississippi and from there to Arkansas.  
Q Is your father living? A Yes sir.  
Q Is your mother? A No sir.  
Q What is your father's name? A Thomas R. Perry.  
Q What was your mother's name? A Lucy Ann.  
Q Through whom do you claim your Choctaw blood, your father?  
A Yes sir.  
Q How much do you claim? A About one quarter.  
Q Was your mother, Lucy Ann your father's first wife? A Yes, I think so, I don't know.  
Q Well he had a wife named Lucy Ann Perry and it was his first wife; was that your mother? A Yes sir.  
Q Do you claim your father is one half Choctaw blood? A Yes sir.  
Q Your father has made application to be identified as a Mississippi Choctaw today hasn't he? A Yes sir.

His case M.C.R. 6627 is referred to for the purpose of consolidation.

- Q Was your father ever been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No sir.  
Q What is your wife's name? A Ida R. Perry.  
Q Is she living? A Yes sir.  
Q What is her race? A She's negro.



M.R.Perry----2

- Q Were any of your ancestors slaves at any time, Mr. Perry? A My grandfather was a slave I have heard.
- Q What was his name? A Tony Gibson.
- Q That was your grandfather on your mother's side? A Yes sir.
- Q Was she or you? A No sir, she wasn't a slave; he was freed before she was born.
- Q Do you make any claim for your wife? A No sir.
- Q You weren't a slave either were you? A No sir.
- Q Now give me the names of your children? A Henderson Turner Perry
- Q How old is Henderson? A Eleven years old.
- Q The next? A Marion R. Perry Jr.
- Q How old is he? A Ten.
- Q Do you claim for yourself and these two children? A Yes sir.
- Q Is your wife, Ida R. Perry, the mother of these two children?
- A Yes sir.
- Q When and where were you married to her? A On the 17th of September 1890 at Helena, Arkansas.
- Q By a minister under a license? A Yes sir.
- Q Have you proof of that marriage with you now? A I have the license and certificate at home.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory with your children's? A No sir.
- Q Have you made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities?
- A No sir.
- Q As to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Do you want to be identified now with your children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A I can't say that I do but I suppose so; I have heard it read over.
- Q Know what a treaty is? A Yes sir.
- Q Do you know what an article in a treaty is? A It is a subdivision of it.

A treaty differs from an agreement in writing between two or more persons in that a treaty is nations instead of individuals as parties to it. A contract is made between two or more nations, that makes it a treaty. A treaty was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. The object of the Government in making this treaty with the Choctaw Indians was to get them to consent to go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory where they might exercise their tribal rights and laws and usages under tribal government undisturbed by encroachments of white people. But before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and to protect the interests of those who stayed back article fourteen was put into the treaty of 1830; this treaty was ratified on the 24th day of February, 1831, the article under which you claim today is as follows: "Each Choctaw head

of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent.

If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen or not? A No more than what I used to hear the old people say when I was quite a boy.
- Q Whom do you claim your Choctaw blood through? A My father.
- Q Whom does he claim through? A His mother.
- Q What was her name? A Widow Perry, old people always called her.
- Q What was her name? A I don't know sir.
- Q Well, you heard your father say? A I heard him say Rachel.
- Q Was she a full blood Choctaw? A Yes, said she was full blood.
- Q Your grandmother? A Yes sir.
- Q Do you know anything about her father or mother? A No sir.
- Q Can you go back any farther than Rachel or Widow Perry? A No sir.
- Q You have seen her? A No sir; I have seen the family that raised my father.
- Q Do you know whether she spoke the Choctaw language? A They say she did.
- Q You have heard so have you? A Yes; and father used to speak it well when I was a boy.
- Q Do you know whether she within six months after the treaty was ratified went to Col. Ward the United States Indian agent and told him that she wanted to stay in Mississippi, take land there and become a citizen of the States? A No sir, I don't know that.
- Q Did she live in Mississippi in 1830-- 73 years ago-- and have a family there then? A From what they say, yes sir. I don't know about the head of the family.
- Q Did she have a family at that time? A She must have had a family about that time; I don't know.
- Q He says he thinks he is about 73 but is not able to state exactly; you don't know whether he was living there when the treaty was made? A No sir.
- Q Did he have any older brothers or sisters? A I don't know except himself.
- Q Did any of your Choctaw ancestors live on land in Mississippi or Alabama for five years and then get a patent from the Government under article fourteen of the treaty of 1830? A Yes, this old Judge Kirkland even said father ought to claim his land that his mother had land in Yellow Bluff County, Mississippi; he really said she had slaves.
- Q Did she get a patent from the Government? A I guess so.
- Q Well, you must not guess. Well, I don't know. They say she lived on land and owned it.

M.R.Perry---4

Q Well you have no positive knowledge of any patent being issued to him by the Government? A No sir.

Q Do you know what became of that land? A I don't.

Q How it was bounded? A I don't.

Q How much land was there? A I don't know that; there was quite a number of acres there and he even said that Tom ought to have his right as a Choctaw and I tried to get him to come out just after the war.

Q Did any of your Choctaw ancestors come from the old Choctaw Nation to the Choctaw nation, Indian Territory, between 1833 to 1837 or 1840? A Not to my knowledge.

Q Did any of them go between the ratification of the treaty of 1830 and the date of this ratification made by you today for the purpose of making a permanent residence in the Choctaw nation, Indian Territory? A Not to my knowledge.

Q Did any of your Choctaw ancestors go before a Commission in 1837 or 1842 and claim any benefits under article fourteen of the treaty of 1830? A They say they did; they got scrip and land; that's what I have heard.

Q Do you know what scrip is? A I suppose it is something entitling them in this case to draw land I guess.

Q That's exactly what scrip means in this connection; it is a certificate issued by the Government to the Choctaw Indians, the holder of which scrip was entitled to select land; but this scrip was not issued until after 1842, under an act of Congress approved August 23, 1842. A Well, I was born in '54; all this I heard afterwards.

Q So that if any ancestor of yours received this scrip issued by that act of Congress of 1842 the land could not have been obtained until after the issuance of scrip; now did she hold land previous to 1842 or not? A From what they say, she did.

Q But you never heard that she went before Col. Ward within six months after the ratification of the treaty of 1830? A No sir.

Q Did any of your Choctaw ancestors after going to Col. Ward in 1831 and having been refused registration make a special claim before the Commission of 1837 or 1842? A Not to my knowledge; I don't know which one of these Commissions they went to but from what they tell me they went before one of them.

(The records of the Commission examined and upon a list of beneficiaries under article fourteen of the treaty of 1830 who received scrip, the name of Rachel or Widow Perry does not appear.)

Q Rachel Perry's name or Widow Perry's name does not appear on the list that we have in the Commission of those who received scrip under article fourteen of the treaty of 1830; you don't know of any other authority under which that land was held? A No sir.

(On page 94 of Vol. VII. American State Papers in a list of beneficiaries under article nine of the treaty of 1830 in Greenwood Village's District appears the name of one Perry (Widow)--)

Q Do you know whether that is your grandmother or not? A I have every reason to believe it from what I have been told.

(On page 135 of American State Papers Vol. VII in a list of beneficiaries of those who received land in Greenwood Village's District appears the name of Perry (Widow--))

M.R.Perry-----5

Q no you know whether that is your grandmother or not? A I have every right to believe it.

Q What makes you think so? A Well, the old people all said she was known as Widow Perry and lived in Yellowbush County on Yellowbush River, or Creek.

Q You have no knowledge of whether that was your grandmother or not? A That is what they say.

Q It is tradition and hear-say? A It is not tradition; it is hear-say.

Q You would call it hear-say evidence then? A I suppose so.

Q no you claim that if your grandmother, Widow Perry, was a beneficiary under article nineteen of the treaty of 1830 that you have a right to claim through her as an ancestor, but don't you claim as a beneficiary under article fourteen of the treaty of 1830 if you have one? A Well, we don't know the treaty, we just claim that she was my father's mother and owned land there.

Q Do you speak Choctaw? A No sir.

Time will be allowed this applicant up to and including the 24th of March, 1903, for the introduction of other proof in this case. His testimony will be considered in connection with the testimony of the father of this applicant, M.C.R. 6827.

Q Any questions, Mr. McRae? A I have a statement I want to make.

By A.S.Mopae:

Come now the applicants through their attorney and request the Commission in its consideration of their respective claims that whatever benefits they may have or would be entitled under article nineteen, the same may be granted them, although they made their application for benefits under the treaty of 1830.

By the Commission:

Q You claim one fourth Choctaw blood and the rest is negro blood? A Yes sir.

Q Have you any white blood? A Through my father I haven't.

Q You don't know anything about his father? A No sir.

The applicant has the general appearance of being descended from negro parentage; he has some Indian blood as shown by his father's appearance, Thomas R. Perry; he himself shows more of the African lineage than any other. This applicant, Marion R. Perry, is a man of good intelligence and has given his testimony in a straightforward and intelligent manner. He has no knowledge of the Choctaw language and no knowledge of the compliance of his ancestors with article fourteen of the treaty of 1830. He believes and makes the claim that Widow Perry whose name appears as a beneficiary under article nineteen of the treaty of 1830 as shown on page 24 and 136 of Volume VII of the American State papers was his mother and

M.R.Perry-----6

through his attorney requests the benefit of being descended from this ancestor who was a beneficiary under article nineteen of that treaty.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause on March 5, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains,

Subscribed and sworn to before me this 21 day of March, 1903.

Charles H. Sawyer

Notary Public.

M C R 6827  
M C R 6828

Muskogee, Indian Territory, March 20, 1903.

Marion R. Perry,  
Pine Bluff, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your affidavit offered in support of the application made by Thomas R. Perry for the identification of himself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 20, 1903.

Marion R. Perry,  
Pine Bluff, Arkansas.

Dear Sir :

You are hereby advised that on the 29th day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas R. Perry, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas R. Perry, et al., M.C.R. 6827  
George W. Perry, et al., M.C.R. 7317  
Marion R. Perry, et al., M.C.R. 6828.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas R. Perry, Pascanda Perry, Fulton Perry, George W. Perry, George R. Perry, Edward T. Perry, Anna B. Perry, Marion R. Perry, Henderson Turner Perry and Marion R. Perry Jr., as Choctaw Indians entitled to rights in the

Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of that time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.



M.C.R.6828

Muskogee, Indian Territory, April 7, 1904.

Marion R. Perry,

Pine Bluff, Arkansas.

Dear Sir:

You are heroby notified that on the 19th day of March, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas R. Perry, et al., of which decision you were advised by registered mail on the 29th day of October, 1903.

Respectfully,

Commissioner in Charge.

6528

No. 6828

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 5 1903

Name Marion R. Perry

Age 28 Blood 1/4

Post Office, Pine Bluff, Ark.

Father: Thomas R. Perry, l

Mother: Lucij Ann " d

Claims through father,  $\frac{1}{2}$  wife.

Ida R. Perry, l, negro.  
No claim for wife.

Children:

Henderson T. Perry, 11

Marion R. " l, 10

Claims for self  
and 2 minor

Stenographer

N. Y. Harris.

FOR IDENTIFICATION AS R. J.  
A MISSISSIPPI CHOCTAW.

Marion. R. Perry

RECEIVED

RECEIVED  
JAN 11 1900

RECEIVED

ADMITTED APPLICANT

ADP

NOTED  
FOR

NOTED  
FOR

Choctaw MCR 6829

Ida Stockdale

MCR 6829

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 8, 1903.

6829

In the matter of the application of Ida Stockdale for the identification of herself and her two minor children, Carrow and Lora Stockdale, as Mississippi Choctaws.

Ida Stockdale being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ida Stockdale.  
Q What is your age? A Twenty two.  
Q What is your post office address? A Bloomington, Indiana. We are going to stay here in Muskogee.  
Q Your address is Muskogee, Indian Territory? A Yes sir.  
Q When did you come to Muskogee? A Yesterday.  
Q And you propose to stay here all the time and make it your residence? A Yes sir.  
Q Where did you live before you came to Muskogee, ? A Bloomington Indian.  
Q Were you born there? A No sir, in Bartholomew Indiana.  
Q Where else did you live? A In Kentucky.  
Q When did you go to Kentucky? A In '88.  
Q Stayed there how long? A Five years.  
Q Then went back to what State? A Indiana.  
Q Is your father living? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is your father's name? A Thomas Hobbs.  
Q What is your mother's name? A Elmira Hobbs.  
Q Through which parent do you claim Choctaw blood? A John Harper.  
Q Your father or mother? A My mother.  
Q How much do you claim? A One eighth.  
Q Do you claim your mother has one quarter Choctaw blood? A Yes sir.  
Q Has she been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know.  
Q Are you married? A Yes sir.  
Q Husband living? A Yes sir.  
Q What is his race? Is he Indian or white man? A White man.  
Q What is his name? A Marcus Stockdale.  
Q Do you make any claim for your husband? A No sir.  
Q What is the name of your oldest child? A Carrow (Boy)  
Q How old is he? A Three years old.  
Q The next? A Lora (girl).  
Q How old? A Nine months.

Ida Stockdale----3

Q You claim for yourself and these two children, do you? A Yes sir.  
Q Is your husband, Marcus the father of these two children? A Yes sir.

Q Are you and your husband living together as husband and wife and are these children living with you at your home? A Yes sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10,

1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United State Court in Indian Territory, A No sir.

Q Do you come before the Commission at this time to make application to be identified with your children as Mississippi Choctaws? A Yes sir.

Q Do you claim that right under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of that treaty? A No sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September that year. The object of the treaty on the part of the Government was to remove the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory- the old Choctaw Nation was partly in Mississippi and partly in Alabama- Before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830. The treaty was then signed and afterwards on the 14th of February 1831 was ratified. Article fourteen under which you make your claim today is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to each child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the home of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the name of your agent to that you make your claim through today? A John Harper.

Q Did he or any other Choctaw agent of yours comply with article

Ida Stockdale----3

fourteen of that treaty do you know? A No sir, I don't.

Q Do you claim through anybody besides John Harper? A No sir.

Q You don't claim through his wife? A No sir.

Q How much Choctaw blood did John Harper have? A I have always heard he was full blood.

Q You don't know anything about his wife? A I have always heard been told she was.

Q Have you ever heard what her name was? A No sir.

Q Do you claim through her then? A No sir.

Q Did John Harper live in Mississippi in 1830 and have a family there then? A I don't know.

Q Did you ever hear that he lived in Mississippi or Alabama at any time? A --

Q In the old Choctaw Nation? A I have heard he has been there and don't know whether it was that time or not.

Q Did he live there in the old Choctaw nation any length of time?

A One year, I think.

Q Where did he live that year? In what State? A Mississippi.

Q Did he go to Col. Wm. Ward the United States Indian agent within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen of that treaty? A I don't know that.

Q Did he or any Choctaw ancestor of yours claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830, any land in the old Choctaw Nation, or don't you know? A I don't know.

Q Did any of them live on land for five years in the old Choctaw Nation after the treaty of 1830 was ratified and at the end of that time get a patent from the Government for that land? A I don't know.

Q Did any Choctaw ancestors of yours go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.

Q You never heard any of them sent from the old Choctaw nation to the Choctaw nation Indian Territory with the other Indians between 1833 to 1838 at the expense of the Government? A No sir.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw nation in 1830? A No sir.

Q What relation was John Harper to you? A Great great grandfather.

Q You claim through your mother, Elmira Hobbs? She claimed through whom- her father or mother? A Her mother.

Q What was her mother's name? A Louisa Hanks.

Q Louis Hanks claimed through whom, her father or mother? A Her father.

Q What was his name? A I don't hardly understand you.

Q What was Louisa Hanks' father's name? A Fielding Hanks.

Q And he claimed through whom his father or mother? A I don't believe I know.

Q You are not able to go back any farther than Fielding Hanks?

A That is about as far as I can go back.

Q Can you tell what relation John Harper was to Fielding Hanks?

A It was his father-in-law, my great grandfather, her name was Lydia Hanks.

Q And did Fielding Hanks marry Lydia Harper? A No sir, yes sir.

Q Was Lydia Harper descended from John Harper? A Yes sir.

Q What relation was Lydia Harper to John Harper, do you know?

A His daughter.

Ida Stokdale----4

Q Did any of these Choctaw ancestors whose names you have mentioned live in the old Choctaw Nation in Mississippi or Alabama in 1830 and have a family there then? A Not that I know of.

In 1837 and also in 1842 Commissions were appointed to go to Mississippi and hear claimants under article fourteen of the treaty of 1830: these Commissions were appointed one by act of Congress approved March 3, 1837 and the other by act approved August 23, 1842; the reason why these Commissions were appointed was because of the complaints made by Choctaw Indians that they had attempted to register under article fourteen of the treaty of 1830 but that Col. Ward had refused to allow them to register and for that reason their lands which they had occupied in the old Choctaw nation had been taken from them and sold.

Q Did any of your Choctaw ancestor go before either of these two Commissions and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

Q Did any of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

Q This scrip was issued under the act of Congress approved August 23, 1842; do you speak or understand the Choctaw language? A No sir.

Q Are you related to Jasper Chambers? A Yes sir.

Q Do you know what relation you are to him? A Second cousin.

Q He has made application to be identified as a Mississippi Choctaw before the Commission; do you want to have your case considered under the head of his application and also Christopher C. Wanks? A Yes sir.

Q He is related to you also? A Yes, Christopher C. Wanks is my second cousin.

The application of Jasper Chambers, V.C.R. 5670 is referred to for the purpose of consolidation; also Christopher C. Wanks, M.C.R. 6508 referred to for the purpose of consolidation, as being applicants who claim through the same common ancestor as this applicant.

This applicant will be allowed time for the introduction of other evidence to and inclusive of March 24, 1906.

Is there anything further you want to say now in support of your claim that you can think of? A No sir, I think not.

Q Do you know anything about your great grandfather, John Harper, trying to go to Col. Ward in 1831 and trying to register before him? A I heard he did.

Q Tell me what you have heard in the family. A I just heard that he went there to register.

Q Where did he go-- to what State? A --

Q Where was Ward's office at that time? A --

Q He must have gone to Col. Ward if he tried to register. (no answer.)

Q You don't know much about that? A No sir.

Q You don't know what State John Harper went to to register before Col. Ward? A No sir.

This applicant has the appearance and physical characteristics of



Ida Stockdale-----5

being descended from white parentage; she has brown hair, blue eyes, medium light complexion; she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 5, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 21 day of March, 1903.

Charles H. Sawyer

Notary Public.

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W.C.R. (7894  
(7202-6829

Muskogee, Indian Territory, April 30, 1903.

Thomas & Harrison,  
Attorneys-at-Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your communication of  
April 27, 1903, enclosing the following:

Certified copy of marriage license and certificate of  
Edward M. Knapp and Cecily Flynn offered in support of the  
application of Edward M. Knapp, et al., for identification  
as Mississippi Choctaws.

Certified copy of the record of marriage of Wm. Harper and  
Rebecca Rider offered in support of the application of Jennie  
Atchison et al., for identification as Mississippi Choctaws.

Affidavit of Frank J. Harper offered in support of the ap-  
plication of Frank J. Harper et al., for identification as Mis-  
sissippi Choctaws.

Marriage license and certificate of Marcus Stockdale and  
Ida Belle Hobbs offered in support of the application of Ida  
Stockdale et al., for identification as Mississippi Choctaws.

The above mentioned documents have been filed with the  
records in their respective cases.

Respectfully,

Chairman.

NOV. 11 1903.

Muskogee, Indian Territory, November 6, 1903.

Isa Stockdale,

Muskogee, Indian Territory,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6829.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Ida Stockdale that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 19, 1904.

Ida Stockdale,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, Carrow and Lora Stockdale, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6829.

Muskogee, Indian Territory, June 26, 1905.

Ida Stockdale,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

29

No. 6829

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 5, 1903

Name. *Ida Stockdale,*

Age *22.* Blood *1/8*

Post Office. *B Muskegee, I.T.*

Father: *Thomas Hobbs - l.*

Mother: *Elmira " - l.*

Claims through *mother. 1/4*

Husband -

*Marcus Stockdale - l. re.*

*No claim for husband*

Children:

*Carrow Stockdale, M. 3*

*Lora " F. 9m.*

*Claim for self  
and 2 minors*

Monographer *N.Y. Davis.*

FOR IDENTIFICATION AS R. 68  
A MISSISSIPPI CHOCTAW.

*Ida Stockdale et al*

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION RENDERED TO APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 19 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR

NOTICE  
ACTION

RECEIVED  
DEPT. OF INT.

JUN 13 1904

NOTICE OF

RECEIVED  
DEPT. OF INT.

RECEIVED  
DEPT. OF INT.

JUN 13



Choctaw MCR 6830

Fannie L. Duncan

MCR 6830

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Fannie L. Duncan, et al., for identification as Mississippi Choctaws, M.C.R. 6830.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

(Page)

|                                                                                                                                   |    |
|-----------------------------------------------------------------------------------------------------------------------------------|----|
| Original application of Fannie L. Duncan, et al., for identification as Mississippi Choctaws-----                                 | 1  |
| Decision of the Commission refusing the applications of Fannie L. Duncan, et al., for identification as Mississippi Choctaws----- | 6. |

-oOo-

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, Indian Territory, March 5, 1903.

In the matter of the application of George F. Duncan a white man for the identification of his wife Fannie L. Duncan and his five minor children Evalde L., Jasper, Elmer, Georgie and Charlie Duncan as Mississippi Choctaws.

George F. Duncan being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George F. Duncan.  
Q What is your wife's name? A Fannie L. Duncan.  
Q What is her age? A Thirty five.  
Q What is your age? A Thirty eight the 21st day of this month.  
Q What is your post office address? A Ravia Chickasaw Nation Indian Territory.  
Q And your wife is living with you at Ravia? A Yes sir two miles from Ravia; that's our post office.  
Q What is your occupation? A Farmer.  
Q You are a white man? A Yes sir.  
Q Do you come before the Commission at this time to make application for the identification as Mississippi Choctaws of your wife and your children by her? A Yes sir.  
Q What is your wife's father's name? A Tate.  
Q What is the full name? A Charlie Tate.  
Q Is he living? A No sir.  
Q What is your wife's mother's name? A Sallie Chubbee.  
Q C-h-u-b-b-e-e? A Yes sir.  
Q Is she living? A No sir she's dead.  
Q Now through which of her parents - father or mother does your wife get her Choctaw blood? A Mother.  
Q Not through her father? A No sir, none through her father whatever.  
Q He was a white man? I never saw him but I guess he was. Chubbee, he said he was.  
Q How much Choctaw blood do you claim for your wife? A He's a second cousin to John and he's a full blood.  
Q You claim your wife is how much? A One half Choctaw. He's a full blood and she's a second cousin to him; what would it make her?  
Q Charlie Tate is a white man? Yes sir.  
Q Sallie Chubbee was a full blood? A Yes sir.  
Q That would make your wife one half Choctaw? A Yes sir. You put it down right; I don't understand that figuring.  
Q Has her mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw Indian by the Choctaw tribal authorities or by the United States authorities in the Indian Territory?  
Q I don't know; her mother died when she was eighteen days old.  
Q You are a white man; you don't make claim yourself? A No sir, none at all.  
Q Do you remember when and where you were married to your wife?  
A Yes sir.  
Q What day of the month and year. A Married on the 14th day

- of October seventeen years ago.
- Q By a minister under a license? A No sir.
- Q By a justice? A Yes sir, I don't remember the Justice.
- Q Where were you married? A Cooper Texas.
- Q Give me the names of your children by your wife Fannie.
- A Evaloo L. Duncan.
- Q How old is she? A She's fourteen years old.
- Q What is the name of the next one? A Jasper Duncan.
- Q How old? A He's thirteen years old.
- Q The next? A Elmer Duncan.
- Q Boy? A Yes sir; both of them last one's boys.
- Q How old is Elmer? A Eleven years old.
- Q The next? A Georgie.
- Q Boy? A Yes sir.
- Q How old is Georgie? A Five years old.
- Q The last? A Charlie.
- Q How old is the last? A Three years old.
- Q These last four are boys? A Yes sir.
- Q These are your children by your wife Fannie A. Duncan are they
- A Yes sir.
- Q And you make application for them today because they are her children and they claim their Choctaw blood through her?
- A Yes sir.
- Q Do you claim one fourth Choctaw blood for these children.
- A Yes if that's right.
- Q It's right if their mother is one half and their mother is one half if her mother was a whole Choctaw.
- A That's what he says, (indicating); I don't know; I never saw her mother.
- Q Is your wife's name together with the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory or don't you know? A No sir I don't know.
- Q Has application ever been made for citizenship for your wife and her children either to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir; never made none. Didn't know nothing about it until I met him and he knew my woman.
- Q This is the first application that has ever been made for her or her children? A Yes sir.
- Q And she never has been put on the rolls? A No sir.
- Q You now want to identify your wife and children as Mississippi Choctaws? A Yes sir she's a Mississippi Choctaw and her children I suppose would be the same.
- Q Do you claim under article fourteen of the treaty of 1830 or don't you understand that article? A I don't understand it

The treaty of 1830 was made between the United States Government and the Choctaw Indians in Mississippi at Dancing Rabbit Creek in that state on the 27th day of September; the object of the government in making this treaty with the Indians was to get their consent to go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830; that is the article under which you claim for your wife and children today. A Yes sir.

Now that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so

by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of the Choctaw ancestors of your wife comply or attempt to comply with any of the provisions of that article?
- A Not that I know of.
- Q Who does she claim her right to be identified through?
- A John Chubbee.
- Q What relation was John Chubbee to her? Second cousin.
- Q She claims through her mother Sallie.
- A Her mother was a full blood.
- Q And Sallie Chubbee claimed through both her father and mother?
- A No sir just through her mother.
- Q What was Sallie Chubbee's mother's name? Mollie.
- Q What was Sallie Chubbee's father's name? I don't know.
- Q Did Mollie Chubbee live in Mississippi? Yes sir.
- Q Did she live there in 1830? Yes sir.
- Q Did she have a family there then? Yes sir.
- Q Did she go to Colonel William Ward within six months after the treaty of 1830 was ratified and tell him she wanted to register under article fourteen of the treaty? I don't know.
- Q Did Mollie Chubbee or any Choctaw ancestor of your wife live on land in the old Choctaw Nation five years and then get a patent from the government? No sir.
- Q Did Mollie Chubbee or any ancestor of your wife go from that old Choctaw Nation to the Choctaw Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today for your wife? I don't know.
- Q Where did Sallie Chubbee die, the mother of your wife?
- A In Jasper County Mississippi.
- Q Then none of your wife's Choctaw ancestors ever left Mississippi did they; they all stayed back there in Mississippi?
- A My wife and father and mother; mother was the only one there was of them; just the one child.
- Q They stayed back in Mississippi did they except your wife?
- A Yes she came to the Indian Territory.
- Q When did she come? She's been in the Indian Territory and Texas about eighteen or twenty years. I can't tell you exactly how long.
- Q She didn't come with her parents did she? No they died in Mississippi.

In 1837 by act of Congress approved March 3 of that year and in 1842 by another act of Congress commissions were appointed; these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830; now the reason why these commissions were appointed was because the Choctaw Indians who stayed in Mississippi claimed that they had gone

to Colonel Ward the United States Indian agent and had tried to register under article fourteen of the treaty of 1830 but that Colonel Ward had refused to allow them to register and for that reason the government afterwards took their land from them in the old Choctaw Nation and sold it.

- Q Did you ever hear that any of the Choctaw ancestors of your wife went before either of those two commissions and claimed any benefits under article fourteen of the treaty of 1830? A No sir I never; I don't know; I can explain a little bit to you and maybe you will know; when she was eighteen days old -- she's thirty five -- her mother died; and that's all she knew about her connection until right recently they told me she had some cousins and uncles and so on but we didn't know about them until right recently.

Now in 1842 by act of Congress approved August 23 of that year scrip was issued which sorts or certificates entitled the holder to select land in Mississippi Alabama Louisiana or Arkansas.

- Q Did you ever hear that any of your wife's Choctaw ancestors got any such scrip from the government? A No sir; they never that I ever heard of.
- Q And your wife came from Mississippi to the Choctaw Nation did she? A Yes sir.
- Q And she never had received any rights as a Choctaw Indian up to that time and hasn't since? A No sir.
- Q Does she speak the Choctaw language? A Some, not much.
- Q How does she look -- like a full blood or half blood?
- A Her hair is as black as his; she looks like a half breed to me.
- Q Now when she came to the Choctaw Nation did she come first to Texas? A No sir she came to the Choctaw Nation. First the man that raised her fetched her to the Choctaw Nation; he died and she went to Texas and she come back to the Choctaw Nation and from there to the Chickasaw.
- Q How long have you been living in the Chickasaw nation?
- A Four year.
- Q And before that where did you live? A In the Choctaw Nation eight or nine years; we come from Texas to the Choctaw Nation and went to the Chickasaw.

Time is allowed to and including the 24th day of March 1903 for the introduction of other proof in this case if the applicant so desires.

The testimony of George L. Duncan and John Chubbee is that Fannie L. Duncan appears to be a half blood Choctaw Indian; has black hair and dark complexion; looks fully a half blood Choctaw Indian and speaks the Choctaw language; there is no testimony as to compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

John Chubbee being first duly sworn as a witness in the matter of the application of George L. Duncan for the identification of his wife and his five minor children as Mississippi Choctaws as follows:

Examination by the Commission:

- Q What is your name? A John Chubbee.

- Q And you are a Choctaw Indian? A Yes sir I'm a full blood Choctaw.
- Q You speak the Choctaw language? A Yes sir.
- Q You speak it better than English? A I speak my language better than any English language.
- Q Are you a member of the Choctaw tribe of Indians? A Yes sir.
- Q What relation are you to Fannie L. Duncan for whom George P. Duncan, her husband has made application just now? A Second cousin.
- Q Did you know her in Mississippi? A Yes sir.
- Q You lived in Mississippi did you? A I did?
- Q You knew her there? A Yes sir I knew her.
- Q How much Choctaw blood has she got? A Half blood.
- Q What is her mother's name? A Mollie.
- Q She was a full blood? A Yes sir.
- Q How old are you John? A Fifty eight years old.
- Q Is there anything more you can tell about this; anything more you want to say? A No.

To applicant:

- Q Is there anything more you want me to ask him? A No.

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 5th day of March 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

Subscribed and sworn to before me this 16th day of March 1903.

*Charles McLawrence*

Notary Public.

Copy

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of Fannie L. Duncan, et al.,  
for identification as Mississippi Choctaws, M.T.R. 6830.

---: D E C I S I O N :---

It appears from the record herein that application for  
identification as Mississippi Choctaws was made to this Commission  
by George F. Duncan for his wife, Fannie L. Duncan, and his five  
minor children, Euleo L., Jasper, Elmer, Georgie and Charlie  
Duncan, under the following provision of the act of Congress ap-  
proved June 28, 1898 (30 Stat., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

It also appears that all of said applicants claim rights  
in the Choctaw lands under article fourteen of the treaty between  
the United States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, by reason of being descendants



of Mollie Chubbee, who is alleged to have been a full-blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 521).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mollie Chubbee, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 100) and August 20, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie L. Duncan, Kyaloe L. Duncan, Jasper Duncan, Elmer Duncan, George

Duncan and Charlie Duncan, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*John D. ...*

Chairman.

(SIGNED)

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Brockmridge.*

Commissioner.

(SIGNED)

*W. D. Stanley.*

Commissioner.

Muskogee, Indian Territory.

Muskogee, Indian Territory, March 28, 1903.

Fannie L. Duncan,

Ravia, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you ask if yourself and children "are on the roll"?

In reply you are informed that it appears from our record that on March 5, 1903, George F. Duncan, thirty-eight years of age, post office address Ravia, Indian Territory, appeared before this Commission and made application for the identification of his wife, Fannie L. Duncan, and their five minor children, Evaloo L., Jasper, Elmer, Georgie and Charlie Duncan, as Mississippi Choctaws.

The Commission has not yet reached any opinion or decision relative to the rights of yourself and children to such identification. As soon as a decision is reached you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

M C R 6830  
M C R 7406

Muskogee, Indian Territory, April 20, 1903.

Wolfe, Stephens & Lewis,  
Attorneys at Law,  
Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, wherein you ask to be advised the status of the cases of Fannie L. Duncan, et al. and Lizzie Morrison, et al., applicants to this Commission for identification as Mississippi Choctaws.

In reply to your letter you are informed that it appears from our records that Fannie L. Duncan and Lizzie Morrison made application to this Commission for the identification of themselves and minor children as Mississippi Choctaws. The Commission has not reached any opinion or decision relative to the right of these applicants to such identification. As soon as a decision is rendered the applicants will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 20, 1903.

S. C. Treadwell,  
Attorney at Law,  
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you ask to be advised the status of the application of Fannie L. Duncan, et al., applicants to this Commission for identification as Mississippi Choctaws, and "if any more testimony is needed in the case."

In reply to your letter you are informed that it appears from our records that Fannie L. Duncan is an applicant to this Commission for the identification of herself and minor children as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision relative to the right of Fannie L. Duncan and minor children to be identified as Mississippi Choctaws. As soon as a decision is rendered she will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

You are further advised that the Commission cannot render opinions upon the sufficiency of evidence offered in support of

S C T 2

applications for identification as Mississippi Choctaws.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 30, 1903.

Fannie L. Duncan,

Ravia, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your communication of April 15, 1903, by reference from the Secretary of the Interior, in which you ask if yourself and five children are on the rolls as Mississippi Choctaws. You state "if more evidence is necessary let me know at once and I can get more evidence from full blooded Indians."

Replying to your communication you are advised that on March 28, 1903, the Commission addressed you a communication in reference to your application for the identification of yourself and children as Mississippi Choctaws and cannot give you any more information than that contained in our previous letter.

You are further advised that the Commission cannot render opinions upon the sufficiency of evidence offered in support of applications for identification as Mississippi Choctaws, but if you desire to introduce any witnesses in support of your application, their testimony will be taken upon their personal appearance before the Commission at its office in Muskogee, Indian Territory.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 6, 1903.

Fannie L. Duncan,

Ravia, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 2nd instant, in which you ask to be advised "what more proof do you want in my case"?

In reply to your letter you are informed that the Commission cannot render you an opinion upon the sufficiency of evidence offered in support of your application for identification as a Mississippi Choctaw. However, you are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

Respectfully,

Chairman.



Muskogee, Indian Territory, March 21, 1904.

Harry L. Person,  
Attorney at Law,  
Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, asking the status of the Mississippi Choctaw application of Fannie L. Duncan, et al.

In reply you are informed that it appears from our records that on March 5, 1903, George F. Duncan appeared before this Commission and made application for the identification of his wife, Fannie L. Duncan, and five minor children, Evalde L., Jasper, Elmer, Georgie and Charlie Duncan, as Mississippi Choctaws, but up to the present time the rights of these applicants to such identification have not been passed upon by the Commission. When a decision is rendered in their case they will be duly notified of such action as may be taken by the Commission.

Respectfully,

Commissioner in Charge.

M C & 5550

COPY.

Muskogee, Indian Territory, April 1, 1904.

S. C. Treadwell,  
Attorney at Law,  
Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie D. Duncan, et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

Commissioner in Charge.

M C R 6830  
COPY

Muskogee, Indian Territory, April 7, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie L. Duncan, et al.

You are hereby advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*I. D. McCallister*

Commissioner in Charge.

The MCR-6830

COPY.

Muskogee, Indian Territory, April 23, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Fannie L. Duncan et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The Commission has the honor to report that the principal applicant herein, his attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Chairman.

Through the  
Commissioner of Indian Affairs.

2 Enc. MCR 6830.

M C A 3250

Lawton, Indian Territory, April 7, 1904.

George F. Duncan,

Lawton, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 25, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie L. Duncan, et al., including your wife Fannie L. Duncan and children Evalde L. Duncan, Jasper Duncan, Elmer Duncan, Georgie Duncan and Charlie Duncan.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Registered.

T. I. 1905.  
Commissioner in Charge.

U. S. R. 6830  
COPY.

Muskogee, Indian Territory, April 7, 1904.

Mr. J. L. Smith,

Atoka, Okla.,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Missions of the several persons included in the case of Fannie L. Duncan, et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

E. D. J. [Signature]

Commissioner in Charge.

Registered.

200 2 6000

COPY.

Lawson, Indian Territory, April 7, 1904.

W. F. Thompson & Lewis.

Attorneys at Law,

Tishomingo, Indian Territory.

Gentlemen:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 10, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie M. Duncan, et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. NED)

Respected.

Commissioner in Charge.

(COPY)

LAND.

28279-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, June 8, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

Permit me to invite your attention to record of the Commission to the Five Civilized Tribes, in the matter of the application of George F. Duncan, for the identification of his wife, Fannie L. Duncan, and his five minor children, Evaloe L., Jasper, Elmer, Georgie and Charley Duncan, as Mississippi Choctaws, wherein a decision rejecting them was rendered by the Commission on March 16, 1904.

The record in this case shows that the applicants base their claims to a right to identification as Mississippi Choctaws on their descent from Mollie Chubbee and Sallie Chubbee, who are alleged to have been Choctaw Indians and resident in the Choctaw country in Mississippi in 1830. It is alleged that Mollie Chubbee lived in Jasper County, Mississippi, throughout her life and died there. The applicants are unable to state whether either of these ancestors complied or attempted to comply with the provisions of the Choctaw Treaty of 1830, or as to whether they acquired land under any of the provisions of that Treaty.

The Commission rejected the applicants for the reason that the



name of Mollie Chubbee did not appear in its records as one of those Choctaw Indians who complied or attempted to comply with the Choctaw Treaty of 1830 or the subsequent legislation relative thereto.

An investigation of the records of this office has been made with reference to the names of Mollie Chubbee and Sallie Chubbee, and it is ascertained that neither of these names appear among the names of those Choctaw Indians who received land or scrip under the Fourteenth Article under the Treaty of 1830 or the subsequent legislation relative thereto.

The name of Chubbee was a part of the names of a large percentage of the Choctaw Indians, but was not a surname.

It is my judgement that the decision of the Commission rejecting these applicants was correct, and I recommend that it be approved.

Very Respectfully,

A.C. Tonner.

Acting Commissioner.

E.B.H.-L.C.

(COPY)

J.W.H.

DEPARTMENT OF THE INTERIOR,

THE

Washington,

I.T.D. 4698-1904.

June 15, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

April 23, 1904, you transmitted the record in the matter of the application of Fannie L. Duncan (M.C.R.6830), et al., for identification as Mississippi Choctaws, including your decision of March 15, 1904, refusing to identify them as such.

Reporting in the matter June 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock.

Secretary.

1 inclosure.

Muskogee, Indian Territory, June 23, 1904.

George F. Duncan,

Ravia, Indian Territory,

Dear Sir:

You are hereby notified that on the 15th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie L. Duncan et al., of which you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

W. H. H. H.

W. H. H. H.

Commissioner in Charge.

Muskogee, Indian Territory, June 23, 1904.

Harry L. Person,

Attorney at Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby notified that on the 15th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie L. Duncan et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

Commissioner in Charge.

COPY!

Muskogee, Indian Territory, June 23, 1904.

Wolfe, Stephens & Lewis,

Attorneys at Law,

Tishomingo, Indian Territory,

Gentlemen:

You are hereby notified that on the 15th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie L. Duncan et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

*H. D. McCallie*  
Commissioner in Charge.

COPY.

Muskogee, Indian Territory, June 23, 1904.

S. C. Treadwell,  
Attorney at Law,  
Tishomingo, Indian Territory,

Dear Sir:

You are hereby notified that on the 15th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie L. Duncan et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, June 23, 1904.

Mansfield, McMurray & Gernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 15th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fannie L. Duncan et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

6830

No.

6830

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 5 1903

Name Fannie L. Kluncan  
by George F. " (white) 38

Age of wife 35 Blood wife - 1/2

Post Office

Ravenna, I. T.

Of wife

Father: s

Charlie Tate, l.

Mother: s

Sallie Chubbie, d.

Claims through mother —

Husband

George F. Kluncan, w.  
no claim for husband.

Children:

Evalie L. Kluncan, " 4 14

Jasper " " 13

Elmer " " 11

George " " 5

Charlie " " 3

Claims for wife  
and 5 minors

Stenographer: Clara Mitchell Wood



IDENTIFICATION AS 1866 68  
MISSISSIPPI OCTAW.

*Fannie L. Duncan*

APR 1 1904

ACTION APPROVED BY SECRETARY

JUN 15 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

JUN 23 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT FOR OCTAW  
MISSISSIPPI KADAW N. 1866.

JUN 23 1904

REFUSED

Choctaw MCR 6831

Cornelius J. Jones

MCR 6831

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Cornelius J. Jones,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of:

|                             |             |
|-----------------------------|-------------|
| Cornelius J. Jones, et al., | M.C.R. 6831 |
| Charles S. Jones, et al.,   | M.C.R. 7225 |
| Harrison J. Jones,          | M.C.R. 7226 |

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above consolidated case.

|                                                                                                                                                                           | (Page) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Original application of Cornelius J. Jones, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws-----                                         | 1      |
| Certified copy of the marriage record of C. J.<br>Jones and Bettie Julien-----                                                                                            | 6      |
| Marriage record between C. S. Jones and<br>Ida O'Neal-----                                                                                                                | 7      |
| Original application of Charles S. Jones, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws-----                                           | 8      |
| Original application of Harrison J. Jones to the<br>Dawes Commission for identification as a Mis-<br>sissippi Choctaw-----                                                | 12     |
| Decision of the Commission refusing the ap-<br>plications in the consolidated case of Cornelius<br>J. Jones, et al., for identification as Missis-<br>sippi Choctaws----- | 16     |

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. March 5, 1903.

-----O-----

In the matter of the application of Cornelius J. Jones for the identification of himself and his two minor children, Gertrude A. Jones, and Quincella S. Jones, as Mississippi Choctaws.

A. W. Jones attorney for applicant.

Cornelius J. Jones being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Cornelius J. Jones.  
Q What is your age? A I am forty-five.  
Q What is your post office address? A Greenville, Mississippi.  
Q How long have you lived there? A I have lived in Greenville about twelve years, but I have lived in the state all my life.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What was your father's name? A Cornelius Jones.  
Q What is your mother's name? A Hannah Jones.  
Q Through which parent do you claim Choctaw blood? A Through my father.  
Q How much do you claim? A I should say about one-fourth.  
Q Do you claim your father was one-half? A Yes, sir.  
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.  
Q Are you married? A I am sir.  
Q What is your wife's name? A Rosa A. Jones, I wish to state that I have been married twice.  
Q Have you children by both wives? A No sir.  
Q This wife Rosa A. Jones is your present wife? A Yes, sir.  
Q Is she a colored lady? A Yes, sir.  
Q You don't make any claim for her then? A No, sir.  
Q Give me the name of your first wife by whom you have these minor children? A Her name was Bettie A. Jones.  
Q She is now dead? A Yes, sir.  
Q What was her race? A Colored.  
Q She was your first wife? A Yes, sir.  
Q How many children did you have by Bettie A. Jones? A Only two.  
Q Is that all the children you have? A Yes, sir.  
Q What is the name of your first child? A Gertrude A. Jones.  
Q How old is she? A About nineteen.  
Q What is the name of your next child? A Quincella S. Jones.  
Q How old is she? A Between 15 and 16.  
Q That is all the children you have? A Yes, sir.

- Q You claim for yourself and two minor children do you? A Yes, sir.
- Q When were you married to your wife Bettie A. Jones? A 1881.
- Q Where? A Vicksburg, Mississippi.
- Q By a minister under a license? A Yes, sir.
- Q Have you proof of that marriage with you now? A Not with me.
- Q Is your name together with the names of your children on any of the tribal rolls of the Choctaw Nation Indian Territory? A No, sir.
- Q Have you ever made a plication for citizenship in the Choctaw nation for yourself and children? A I have not.
- Q Did you ever apply for citizenship in the Choctaw Nation for yourself and these children to the Dawes Commission or the Choctaw tribal authorities under the act of Congress approved June 10, 1896? A No, sir, I have not.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? X Or don't you understand that article of that treaty? A I don't know whether I understand it or not. I would like to have it explained.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of the year 1830. The object of the government in making this treaty with the Choctaw Indians at that time was to remove them from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before this treaty was signed it became known that a good many Choctaw Indians would not come to the Choctaw Nation Indian Territory with the other Indians. In order to protect those Indians who staid back in the old Choctaw Nation, article 14 was drafted and put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the fam-

ily or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A I have heard that a great grandfather made application.
- Q What was his name? A John Jones.
- Q How much Choctaw blood did he have? A Whole.
- Q What was his wife's name? A I don't know sir.
- Q Did he live in Mississippi in 1830 and have a family there then? A I don't know to my personal knowledge.
- Q Have you heard so in the family? A Yes, sir.
- Q Is it a matter of family history? A Yes, sir.
- Q Were your parents, either of them or both of them slaves at any time? A My mother was a slave.
- Q Were you? A Yes, sir.
- Q Was John Jones, your great grandfather? A No, sir he was not a slave.
- Q Did John Jones, or any of your Choctaw ancestors, go the the United States Indian Agent, Colonel Wm. Ward within six months after the ratification of the treaty of 1830 and register or attempt to register under article fourteen of the treaty of 1830? A I am so informed.
- Q Did he register or just simply attempt to register? A I am informed he gave sufficient notice.
- Q What did he do when he gave notice? A He gave notice.
- Q What do you mean by his having given notice? A He complied with the terms of the treaty as stipulated, gave sufficient notice as was required by the treaty, and it is generally thought by our family that he did comply with the provisions of the treaty.
- Q Does his name appear on any list made by any office as a beneficiary under the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors, John Jones or any other, live on land in the old Choctaw Nation east of the Mississippi River and after residing on same for five years receive a patent from the government? A Not that I know of.
- Q Did any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did any of your Choctaw ancestors claim or receive any land in that old Choctaw Nation, either in Mississippi or Alabama, under article 14 of the treaty of 1830? A No, sir, so far as I know.
- Q Did any of them own improvements in the old Choctaw Nation in 1830? A I could not say.
- Q Did any of your Choctaw ancestors go before a Commission appointed by an act of Congress of March 3, 1837, or before a Commission appointed by an act of Congress of August 23, 1842, and claim any benefits as Choctaw Indians under article 14 of that treaty of 1830? A I am not certain as to whether that was done or not.

These commission were appointed one in 1837 and the other in 1842 for the purpose of hearing the application of Choctaw Indians who claimed that they had gone to Colonel Wm. Ward the United States Indian Agent within 6 months after the treaty of 1830 was ratified and had attempted to register under article 14 of that treaty, but because Colonel Ward refused to allow them to register, their land had been taken from these Choctaw Indians which they had held in that old Choctaw Nation and on which they had improvements and was sold by the government. Commissions

- Q Do you know if any of your Choctaw ancestors applied before either of these commissions? A I am informed that they made application.
- Q Before which one? A The one of 1842, which you mentioned.
- Q Did any of them receive any scrip under the act of Congress of March 27, 1842? A Not that I know of.
- Q This scrip entitled them to select land either in Mississippi, Alabama or Arkansas to take place of the land which they had held in that old Choctaw Nation.
- Q Do you speak or understand the Choctaw language? A No, sir, I do not.

This applicant will be allowed to and including the 24th day of March 1903 for the purpose of introducing other evidence in this case if he so desires.

#### Examination by Attorney:

- Q Mr. Jones you say that your ancestor John Jones was a full blood Choctaw Indian? Is that his name? A Jack Jones.
- Q You stated to the Commission that your ancestor went to those commissions of 1830 and 1842 for the purpose of letting them know that they wanted to take land. Now which one did he go to? A I don't know that he registered before any commission. He did make his formal application according to the terms of the treaty of 1830.
- Q Now what did you have reference to when you said 1840? A That was in reference to enrollment being refused by the Commission after he had been denied application made to Ward.
- Q You said your information was that he did go in 1830? A That is my information.
- Q Do you wish to have your answer to appear as a correction of any mis-statement that you might have made and to answer that the first contention that any of your grand parents had with reference to, or pertaining to claims under the Choctaw rights, was that pertaining to the treaty of 1830? A Yes, sir.
- Q Do you mean to say that he complied or attempted to comply with the requirements of the treaty of 1830 and that he was the head of a family at that time? A Yes, sir.
- Q Do you know where he lived? A Somewhere near Sumpter Alabama, I don't know anything about it only from family history.
- Q Can you state that John Jones was your ancestor so far as you know? A Yes, sir.

#### By the Commission:

- Q Mr. Jones do you claim any white blood? A No, sir.



6831 -5

Q You claim Choctaw and Negro? A Yes, sir.

The applicant has the appearance and physical appearance of being descended from mixed ancestry. The Negro characteristics predominate, but he seems to have Indian blood; features are not heavy like that of a full blood negro; does not understand the Choctaw language and has no knowledge of a compliance or attempted compliance on the part of his ancestors with any of the provisions of the 14th article of the treaty of 1830; his parents were slaves and was also himself a slave at one time.

Q What relatives of yours have been before the Commission to be identified as Mississippi Choctaws? A None that I know of.

-----0-----

Chas. Diffendaffer, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause and that the foregoing is a full and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 29 day of March 1903.

*Charles H. Sawyer*

Notary Public.



059

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Cornelius J. Jones, et al., for identification as Mississippi Choctaws, consolidating the applications of:

|                             |             |
|-----------------------------|-------------|
| Cornelius J. Jones, et al., | M.C.R. 6831 |
| Charles S. Jones, et al.,   | M.C.R. 7225 |
| Harrison J. Jones,          | M.C.R. 7226 |

---: D E C I S I O N :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Cornelius J. Jones for himself and his two minor children, Gertrude A. and Quincella S. Jones; by Charles S. Jones for himself and his two minor children, Haynes O. and Rosa Jones; and by Harrison J. Jones for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of John (or Jack) Jones, who is alleged to have been a full-blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name John Jones appears on pages 67 and 122 of Volume VII, American State Papers, Public Lands, and the name John Jones Sr. on pages 76 and 125 of said record in lists of names of Choctaw Indians, heads of families who resided in Moshulatubbe's and Greenwood LeFlore's districts in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on

the part of the persons therein named with its provisions. The name John Jones is also found on page 133 of Volume VII American State Papers, Public Lands, in a "register of Choctaw names as entered by the agent previous to the 24th of August, 1831, who wished to become citizens according to a provision of the late treaty of eighteen hundred and thirty", and also on page 18 of Volume I of Claimant's Brief and Evidence, in the case of the Choctaw Nation vs. the United States before the Court of Claims No. 12742. The name John Jones further appears on page 139 of said last named record in a list of Choctaw heads of families claiming land under the fourteenth article of the treaty, and also on page 1055 of Volume II of said record in the affidavit of one Grant Lencecum, but it does not appear from the evidence submitted by the several applicants herein that the John (or Jack) Jones, through whom they claim, is the identical John Jones whose name appears on the records above cited.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John (or Jack) Jones, through whom these applicants claim, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article

fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cornelius J. Jones, Gertrude A. Jones, Quincella S. Jones, Charles S. Jones, Haynes O. Jones, Rosa Jones and Harrison J. Jones, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Samuel D. Smith

Chairman.

W. H. McMillan

COMMISSIONER

W. H. McMillan  
COMMISSIONER

Waskoge, Indian Territory,

OCT 31 1903

M C R 6831

Muskogee, Indian Territory, March 28, 1903.

C. J. Jones,

Greenville, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, enclosing certificate of marriage between C. J. Jones and Bettie Julien offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same has been filed with the record in your case.

Respectfully,

Chairman.

H.C.R. 6831.

Muskogee, Indian Territory, April 2, 1903.

A.W. Jones,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the original marriage license and certificate between C.S. Jones and Ida O'Neal; offered for filing in support of the application made by Cornelius J. Jones for the identification of himself and minor children as Mississippi Choctaws.

The same have been filed with the record in this case.

Respectfully,

Commissioner in Charge.

M.C.R. 6831.

Muskogee, Indian Territory, October 31, 1903.

A. W. Jones,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Cornelius J. Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

Cornelius J. Jones, et al.,  
Charles S. Jones, et al.,  
Harrison J. Jones,

M.C.R. 6831  
M.C.R. 7225  
M.C.R. 7226

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

A. W. J. - 2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cornelius J. Jones, Gertrude A. Jones, Quincella S. Jones, Charles S. Jones, Haynes O. Jones, Rosa Jones and Harrison J. Jones, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*James Dixby*  
Chairman.

Registered.



COPY.

M.C.R. 6831.

Muskogee, Indian Territory, October 31, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Cornelius J. Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

Cornelius J. Jones, et al.,

Charles S. Jones, et al.,

Harrison J. Jones,

M.C.R. 6831

M.C.R. 7225

M.C.R. 7226

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cornelius J. Jones, Gertrude A. Jones, Quincella S. Jones, Charles S. Jones, Haynes O. Jones, Rosa Jones and Harrison J. Jones, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M. McM. & C. - 2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tamc Dwyer.*  
Chairman.

COPY

Muskogee, Indian Territory, November 16, 1903.

The honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Cornelius J. Jones, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 31, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

|                             |              |
|-----------------------------|--------------|
| Cornelius J. Jones, et al., | M.C.R. 6831  |
| Charles S. Jones, et al.,   | M.C.R. 7225  |
| Harrison J. Jones,          | M.C.R. 7226. |

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

*James G. Smith*  
Chairman.

Through the

Commissioner of Indian Affairs.

2 Enc. M.C.R. 6831.

COPY

M.C.R. 6831.

Muskogee Indian Territory, October 31, 1903.

Cornelius J. Jones,

*Remailed to Muskogee 25 11/28/03*  
Greenville, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Cornelius J. Jones, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |             |
|-----------------------------|-------------|
| Cornelius J. Jones, et al., | M.C.R. 6831 |
| Charles S. Jones, et al.,   | M.C.R. 7225 |
| Harrison J. Jones,          | M.C.R. 7226 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

C. J. J. - 2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cornelius J. Jones, Gertrude A. Jones, Quincella S. Jones, Charles S. Jones, Haynes O. Jones, Rosa Jones and Harrison J. Jones, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Chairman.

Registered.

COMMISSIONERS

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

REPLY IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 27, 1903.

Received of the Commission to the Five Civilized Tribes one  
copy of the decision in the case of Cornelius J. Jones, et al.,  
consolidated.

*Cornelius J. Jones*

Muskogee, Indian Territory, December 8, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Cornelius J. Jones, et al., the record therein, together with the decision of the Commission refusing the several applications in this case, was, on November 16, 1903, forwarded to the Department.

On November 30, 1903, the Commission received from A. W. Jones, attorney for the applicants in this case, brief and argument in support of the above entitled cause, and the same is herewith transmitted.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

MoM 7

Muskogee, Indian Territory, January 15, 1904.

A. W. Jones,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, in which you ask to be advised of the date upon which the record in the consolidated Mississippi Choctaw case of Cornelius J. Jones, et al. was forwarded to the Secretary of the Interior, and of the name of the attorneys for the Choctaw Nation.

In reply you are informed that on November 16, 1903, the record in the consolidated Mississippi Choctaw case of Cornelius J. Jones, et al., together with the decision of the Commission refusing the several applications included therein, was forwarded to the Secretary of the Interior, and when the Commission is advised of any departmental action in said case the applicants will be notified.

The attorneys for the Choctaw and Chickasaw Nations are Messrs. Mansfield, McMurray & Cornish, South McAlester, Indian Territory.

Respectfully,

Chairman.



(COPY)

Land.

DEPARTMENT OF THE INTERIOR.

75374-1903.

OFFICE OF INDIAN AFFAIRS.

713-264.

WASHINGTON. November 2, 1904.

In re applications of

Cornelius J. Jones et al., M.C.R. 6831)

Charles S. Jones et al., M.C.R. 7225

Harrison J. Jones, M.C.R. 7226.

Consolidated.

The Honorable,

The Secretary of the Interior.

815:

I have the honor to transmit herewith for Departmental action the record and accompanying papers in the above consolidated cases with the recommendation of this office therein. The decision of the Commission of October 31, 1903, was adverse to applicants. Applicants Cornelius J. Jones for himself and his two minor children, Gertrude A. and Quincella S. Jones; Charles E. Jones for himself and his two minor children, Haynes O. and Rosa Jones; Harrison J. Jones for himself, claim rights in the Choctaw lands under the provisions of Article 14 of the Treaty of 1830 between the United States and the Choctaw Nation by reason of being descendants of one John (or Jack) Jones, who is alleged to have been a full blood Choctaw Indian, a resident of the State of Mississippi in 1830 and the great grand-father of principal applicant, Cornelius J. Jones, now a resident of Greenville, Mississippi.

As to the name John Jones, the name of the ancestor through whom applicants claim, the records of the Indian Office show that in a memoranda of cases examined under the 14th Article of the Choctaw Treaty as to suspended locations reported in Book 95, entitled "Brown and Kincannon's Notes of Proceedings in certifying Choctaw Claims in Miss.", on page 382 thereof appears the following entry:

"406. John Jones Frac. Sec. 27, T 20 R 1 W.

Lots No. 24 & 25 of Frac. Sec. 26 T 20 R 1 W.

Frac. Sec. 26, T 20, R 1 W.

Certif. Loca. says "Fract. Sec. 27, cont'g 495 70/100 acres.

Fract. Sec. 26, cont'g 405 95/100.

Fract. Sec. 25, cont'g 23 25/100 and

Fract. Sec. 24, cont'g 30 acres, all in Fract. Town. 20, R 1 West", affidavit proving residence &c., filed, also certificate of location.

Witnesses Sam'l Monorief & A.W. Thompson, certified by A. Burwell.

App'd March 1838,

A.V.B.

The records of this office further show by correspondence, that the location of John Jones was reserved to him, he having submitted proof showing his continued residence thereon for five years and that this office made no objection to the emanation of a patent to the said John Jones for the land selected for him under Article 14 of the Treaty of 1830. (See copy of letter of Indian Office dated May 26, 1837, transcribed in Letter

Book 21, page 453, also copy of letter of Indian Office dated October 16, 1837, transcribed in Letter Book 22, page 431, also copy of letter of Indian Office dated August 4, 1842, transcribed in Letter Book 32 page 368, also copy of letter of Indian Office dated March 9, 1849, transcribed in Letter Book 41, page 537) copies of which letters are herewith submitted.

The record of this office and of the General Land Office show that by patent dated August 18, 1842, approved by the President of the United States, John Tyler, there was patented to John Jones and to his heirs, a section and a half of land to which he became entitled under the provisions of Article 14 of the Treaty of 1830 and that the following described lands in the Demopolis Land Dist., located as his reserve, were by said patent, conveyed by the United States of America to John Jones and to his heirs, to-wit:

Fractional Sec. 24, Fractional Sec. 25, Fractional Sec. 26, and Fractional Sec. 27, all in Township 20 N. R 1 West, said land being in Sumter CO., Alabama, all west of the Tombecbee river and containing 954.90 acres. (See record of Indian Office Compilation of Choctaw Reservations, Treaty of 1830, page 30; See also record of General Land Office, Choctaw Treaty of 1830, Record of Patents Vol. 1, page 51.)

The records of this office show that John Jones at the date of the signing of the treaty of Dancing Rabbit Creek had a daughter named Jenny, over ten years of age. John Jones also had a daughter named Polly, the wife of Samuel McGee, but she died "5 or six years before the treaty", leaving surviving her three

children, namely, Anne and Lavina, females over ten years of age at the date of the treaty, and Humphrey, male, under ten years of age at date of treaty.

The evidence submitted by applicants in support of their claim is to the effect that the John Jones through whom they claim and whose true name they insist is Jack Jones, received scrip under the Act of August 23, 1842, that he lived near Sumpter, Alabama, whereas the John Jones, the beneficiary of record, received land whereon he resided in Sumter Co. Alabama, under the 14th Article of the Treaty of 1830, and his claim was adjudicated by the Commission appointed under the Act of March 3, 1837.

Applicants do not know the name of the wife of John Jones of record, nor is the name of his daughters Jenny and Polly anywhere mentioned in their testimony and their only source of descent from John Jones is one Cornelius Jones, the father of principal applicant, Cornelius J. Jones, and it is not even claimed that the father, Cornelius Jones was a grandson or related to John Jones the great grandfather of principal applicant, the alleged beneficiary of record.

The evidence submitted is insufficient to identify applicants as direct descendants of John Jones, a beneficiary under the 14th Article of the treaty of 1830.

The Commission states that applicants have the physical characteristics of being descended from negro parentage; that they do not understand nor speak the Choctaw language. I am of the opinion that the evidence submitted is insufficient to identify any of the aforementioned applicants as Mississippi Choctaw

Indians, entitled to rights in the Choctaw lands under the provisions of Article 14 of the Treaty of 1830, and I therefore recommend that the decision of the Commission of October 31, 1903, denying to them the right to be identified as such, be sustained.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

G.R.

L.

O.I.A.

(COPY)

May 26, 1837.

"Brown, Esq. A.V.

Columbus, Mississippi.

Sir:

I enclose for your action upon them, the original papers purporting to be evidence, proving the residence of the under-named reservees on the tracts reserved for or claimed by them, under the 14th Article of the Choctaw Treaty of 1830. These affidavits were filed in this office by the Hon. F.S. Lyon, who will be informed of this reference.

D. Kurtz, Actg. Com'r.

Isaac Pinson, John Jones, Matthew Labrouse, John Walker, Betsey Buckles, Alexander Brashears, Ohoyo, Abba Hotah, James Tom, Jack Tom, Wm. Lightfoot, Bab-pissah Baufee-cubba, Jacob Daniels family, Allen Stanton, Zadock Brashears, Jr., Sampson Moncrief, and Rachel Brashears."

Letters 21-page 433, Indian Office.

(COPY)

O.I.A.

October 16, 1837.

"Lyon F.S. Hon.

H. of R.

Sir:

In reply to your letter of the 26th ulto., requesting that copies of the evidence in the case of Harker and John Jones may be furnished Mr. Bates to use before the Commissioners under the Choctaw Treaty I have the honor to state that the evidence relating to the former was transmitted to them on the 20th May last, and that that respecting the latter was forwarded to A.V. Brown, Esq., on the 26th May last, as it consisted only of proofs of residence for five years.

G.A.H."

Letter 21-page 431, Indian Office.

(COPY)

O.I.A.

4th August 1842.

"Shields B.G.Hon.

Ho of Reps.

Sir:

I have the honor to inform you that your letter of 3d inst, transmitting one to you from Messrs. Lyon & Manning of 20th ulto, has just been received, and that this office is not aware that there are any objections to the emanation of a Patent to John Jones for the land selected for him under 14 Article Choctaw treaty of 1830. Application for the patent should be made to the Com'r of the Land Office, the location of this reservation was approved by the President U.S. on the 13 Octo. 1838 and information to that effect communicated to the Gen'l Land Office on 18th same month with the remark that no objection was known here to an emanation of a patent- proof having been submitted, shewing continued residence for 5 years- as required by the treaty. I will send your letter with its enclosure and a copy of this communication to the Comm'r of the Gen'l Land Office to-day.

T.H.C."

Letter B. 32, page 368, Indian Office.



(COPY)

Office Indian Affairs,

March 9, 1849.

Whitsett, Esq., Jno. C.

Gainesville,

Alabama.

Sir:

Your letter of the 26th ultimo has been received.

It appears from an inquiry made this morning at the General Land Office that a Patent for the reservation of John Jones, located under the 14 Article of the Choctaw treaty of 1830 was sent to Hon. B.G.Shields, from that office on 20 August 1842.

W.M.

41-537.

DEPARTMENT OF THE INTERIOR,

YP

D.C. 42979-1904.  
I.T.D.11222-1904.

WASHINGTON. November 7, 1904.

PHE

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

November 16, 1903, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws of Cornelius J. Jones for himself and his two minor children, Gertrude A. and Quincella S. Jones; of Charles S. Jones for himself and his two minor children, Haynes O. and Rosa Jones; and of Harrison J. Jones for himself, including your decision of October 31, 1903, refusing to identify them as Mississippi Choctaws.

Reporting in the matter November 2, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

F.L.Campbell

Acting Secretary.

1 inclosure.

M.C.R. 6831

Muskogee, Indian Territory, November 14, 1904.

Cornelius J. Jones,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on November 7, 1904, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelius J. Jones et al., of which decision you were advised by mail on the 31st day of October, 1903.

Respectfully,

ALB

Chairman.

Muskogee, Indian Territory, November 14, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 7th day of November, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelius J. Jones et al., of which decision you were advised by mail on the 31st day of October, 1903.

Respectfully,

Chairman.

Muskogee, Indian Territory, July 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Cornelius J. Jones, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of October 31, 1903, adverse to the applicants, was, on November 16, 1903, forwarded the Department.

December 8, 1903, the Commission to the Five Civilized Tribes transmitted to the Department brief and argument of A. W. Jones, attorney for applicants, in support of their claim.

November 7, 1904 (I T D 11222-1904), the Department affirmed the decision of said Commission of October 31, 1903.

June 25, 1906, this office received from the Department, in order that the same might be transmitted through the Commissioner to the Five Civilized Tribes in accordance with the Act of April 23, 1906, a motion of Cornelius J. Jones requesting the reopening and readjudication of his application alone. Said motion is herewith transmitted.

Respectfully,

Through the Commissioner  
of Indian Affairs.  
MCM 23/1

Commissioner.

( C O P Y )

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

Land  
78585-1904.  
63646-1906.

October 11, 1906.

The Honorable,  
The Secretary of the Interior.

Sir:--

Referring to Departmental letter of November 17, 1904, (I.T.D. 11222-1904), I have the honor to transmit herewith the motion of Cornelius J. Jones, one of the applicants in the consolidated Mississippi Choctaw case of Cornelius J. Jones, et al., requesting the reopening and readjudication of his application alone. The record in the case is also included.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

HUM-KEN.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.P.  
FHE.

D.C. 48516-06.  
I.T.D. 20556-1906.  
L.R.S.

November 1, 1906.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

The motion for rehearing, by Cornelius J. Jones, one of the applicants in the consolidated Mississippi Choctaw case of Cornelius J. Jones, et al., received with your letter of July 23, 1906, is denied, as it presents no question of law or fact not considered by the Department at the time of its decision of November 7, 1904, affirming the decision of the Commissioner to the Five Civilized Tribes adverse to the applicants.

A copy of Indian Office letter of October 11, 1906 (Land 63646), submitting your report, is inclosed. The motion and other papers have been sent to the Indian Office for its files.

Respectfully,

(Signed) E. A. Hitchcock.  
Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 7 to Ind. Of.

MCR 6131

COPY

Muskogee, Indian Territory, November 13, 1906.

Cornelius J. Jones,

Muskogee, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 1, 1906, denied the motion heretofore filed by you under the Act of Congress approved April 25, 1906, for a re-hearing in the consolidated Mississippi Choctaw Case of Cornelius J. Jones, et al.

Respectfully,

SIGNED *Charles J. Jones*  
Commissioner.



MOR 6851

Muskogee, Indian Territory, November 13, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen :--

There is enclosed herewith copy of Departmental letter of November 1, 1906, denying a motion for re-hearing filed by Cornelius J. Jones under the Act of Congress, approved April 26, 1906, in the matter of the consolidated Mississippi Choctaw Case of Cornelius J. Jones, et al.

Respectfully,

Commissioner.

JWH 13-3

NOV 6831

Muskogee, Indian Territory, November 13, 1906.

Chief Clerk,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 1, 1906, denied a motion for re-hearing filed by Cornelius J. Jones in the matter of the consolidated Mississippi Choctaw case of Cornelius J. Jones, et al. This case includes the following persons: Cornelius J. Jones, Gertrude A. Jones, Quincella S. Jones, Charles S. Jones, Haynes O. Jones, Rosa Jones and Harrison J. Jones.

It does not appear that there are any proceedings now pending in this case.

Respectfully,

Commissioner.

REFER TO M. C. R. 6831

*Cornelius J Jones et al*

John Jones.  
-D-full

Jack Jones  
or  
John Jones

Jack Jones  
or  
Henry Jones

Cornelius Jones-D.  $\frac{1}{2}$   
Wife  
Hannah Jones-L

<sup>6831</sup>  
Cornelius J. Jones-45- $\frac{1}{4}$   
Married  
1<sup>st</sup> Bettie A. Jones-D-N  
2<sup>nd</sup> Rosa A. Jones-L-N

<sup>6831</sup>  
Bertrude A. Jones 19  
Quincella S. " 15

<sup>7225</sup>  
Charles S. Jones-27- $\frac{3}{4}$   
Wife  
Ida Jones-L-N

<sup>7225</sup>  
Haynes O. Jones 5  
Rosa " 3

Robert Jones-D- $\frac{1}{2}$  or  $\frac{3}{8}$   
Wife  
Mary Jones-D.

<sup>7226</sup>  
Harrison J. Jones-25- $\frac{3}{4}$

No.

1831

# FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MARCH 22

Name Cornelius L. Jones

Age 45.

Blood

$\frac{1}{4}$

Post Office, Greenville, Miss.

Father, Cornelius Jones, d.

Mother, Hannah " l.

Claims through

father  $\frac{1}{2}$

Wife <sup>3</sup> Rosa A. Jones, l. negro  
" (no claim for above wife)

Bettie A. Jones, (d), negro

Children

Gertrude A. Jones, 19

P. Quincella S., " 15

mother, Betta A. Jones.

Claims for self

and 2 minor

Micrographer: Charles A. Smith

IDENTIFICATION. AS  
A MISSISSIPPI CHOCTAW.

*Cornelius J. Jones et*

7225-7226

Choctaw MCR 6832

John M. Davis

MCR 6832

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I. T. March 8, 1903.  
5

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In the matter of the application of John M. Davis for the identification of himself and his two minor children Chauncey and Mary M. Davis as Mississippi Choctaws.

A. W. Jones attorney for applicants:

John M. Davis being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John M. Davis.  
Q What is your age? A Thirty.  
Q What is your post office address? A At present Muskogee.  
Q Indian Territory? A Yes, sir.  
Q How long have you lived in Muskogee? A About a year.  
Q Have you been here a year? A Yes, sir.  
Q Where did you live before that? A In Mississippi.  
Q Where in Mississippi? A Sturgis, Mississippi.  
Q All your life? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q Do you claim your Choctaw blood through your father or your mother?  
A My mother.  
Q What is your mother's name? A Edie Davis.  
Q What was your father's name? A Isom Davis.  
Q How much Choctaw blood do you claim? A About one-quarter.  
Q Was your mother an one-half blood Choctaw? A No, sir, she was about  $\frac{3}{4}$ .  
Q Well now if you claim your Choctaw blood through your mother you would have more than  $\frac{1}{4}$  wouldn't you?  $\frac{1}{2}$  of  $\frac{1}{2}$  is  $\frac{1}{4}$ . A I didn't mean that my mother was  $\frac{3}{4}$ .  
Q How much was she? A  $\frac{1}{2}$ .  
Q Then you are  $\frac{1}{4}$ ? A Yes, sir.  
Q Were either your father or mother slaves at any time? A My father was.  
Q Was your mother? A No, sir.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Maggie Davis.  
Q Is she living? A Yes, sir.  
Q What is her blood? A  $\frac{1}{4}$ .  
Q One-fourth what? A Choctaw.  
Q What is the other blood? A Mixed with white and negro.  
Q Do you make any claim for your wife? A No, sir.  
Q Has your mother, through whom you claim, ever been recognized as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir, not that I know of.



- Q Have you any children that you want to make application for? A I have two.
- Q What is the name of the ondest child? A Chauncey M. Davis.
- Q How is he? A He is three years old.
- Q What is the name of the next child? A Mary M. Davis.
- Q How old? A She is one and one-half years old.
- Q You claim for yourself and two children do you? A Yes, sir.
- Q Is Maggie Davis the mother of these two children? A Yes, sir.
- Q When and where were you married to her? A Holly Springs, Miss.
- Q What day of the month and year? A On 12th May 1888.
- Q Were you married by a minister under a license? A Yes, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A My name? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation ~~or~~ the Choctaw tribal authorities in Indian Territory? A No
- Q Have you ever made any such application to the Daws Commission under an act of Congress approved June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No, sir.
- Q Do you come before the Commission to identify yourself and these two children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A I understand it fairly well.
- Q Do you want it explained? A Yes, sir.

The treaty of 1830 was made between the United States Government and the Choctaw Nation at a place in Mississippi on September 27th 1830. The object of the treaty was to remove all the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interest of those Indians who staid back in the old Choctaw Nation article 14 was put into the treaty of 1830. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with that article? A My great grand father was a claimant under that article.
- Q What was his name? A Their names were Samuel McGee and Polly McGee.
- Q Who was Polly? A She was the wife of Samuel McGee.
- Q You claim through both Samuel and Polly? A Yes, sir.
- Q How much Choctaw blood did Samuel have? A One-half.
- Q How much Choctaw blood did his wife have? A She was a full blood.
- Q What relation was Samuel to you? A He was my great grand father
- Q And Polly was what relation? A Great grand mother.
- Q Did they live in Mississippi, or Alabama? A They lived in Mississippi.
- Q Did they live there in 1830 and have a family then? A Yes, sir, so I am informed.
- Q Did either of them go to the United States Indian Agent within six months after the treaty was ratified and attempt to register under article 14 of that treaty? A I think they did I have heard he was a claimant.
- Q How do you know that fact? A Why simply learned it through family history.
- Q Did either of your Choctaw ancestors, or both of them live on land in the old Choctaw Nation for five years and at the end of that time obtain a patent from the government under article 14 of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1840? A I think not.
- Q Did any of them go from the old Choctaw Nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of the application made by you today? A Not that I know of.
- Q Did any of your Choctaw ancestors go before a Commission in 1837 or 1842, which commissions were appointed by different acts of Congress to hear the complaints of Choctaw Indians who claimed rights under article 14 of the treaty of 1830? A Only Samuel McGee was a claimant. I don't know whether he went before these commissions or not. He was a claimant, so I have learned.

These two commissions were appointed to hear the complaints of Choctaw Indians who claimed that they had tried to register under article 14 of the treaty of 1830, but because Colonel Ward refused to allow them to register, their lands had been taken from them in the old Choctaw Nation and sold, and because their land had been taken and sold they complained to Congress and these commissions were appointed to hear their complaints.

- Q You don't know whether your ancestor went before either of these commissions, do you? A No, sir, I don't know.
- Q Did any of your Choctaw ancestors receive scrip from the government which entitled the holder to land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

6832-4

- Q Do you speak or understand the Choctaw language? A No, sir.  
Q You claim one-quarter through your mother? A Yes, sir.  
Q And what is your other blood? A Have you white blood?  
Well I don't know, the other is negro and I suppose some white.  
Q Do you think you have more negro than white? A Well the negro.  
Q And how about the white? A I don't know how much white blood.

This applicant will be allowed up to and including the 24th day of March, 1903 for the purpose of introducing other testimony in this case if he desired to do so.

- Q Have you any relatives that have been before this Commission? A No, sir.  
Q Are you related to Nelson L. Lackey? A Yes, sir.  
Q What relation is he to you? A We are cousins.  
Q Do you want to have your case consolidated under his case? X  
He claims through Samuel and Polly McGee are those the ancestors whom you claim through? A Yes, sir.

The case of Nelson L. Lackey M.C.R. 6757 is referred to for the purpose of consolidation.

Examination by attorney:

- Q What is your name? A John M. Davis.  
Q Mr. Davis you stated to the Commission a few moments ago that your ancestor went before the Commissions in 1837 and 1842? A No, sir.  
Q You didn't? A No, sir.  
Q You stated that Samuel McGee and his wife were claimants before the commission of 1830? Yes, sir.  
Q How was this information secured, where did you get that? A Family history.  
Q Did they live in Mississippi in 1830? A I don't know.  
Q Do you know whether they lived in Mississippi in 1830? A No.  
Q Well do you know where they did live? A Yes.  
Q How do you come by this information that you have stated? A Through family history.  
Q Where did you learn that they did live? A East of the Mississippi River.  
Q In what state? A Mississippi.  
Q In 1830, that is your information? A Yes, sir.  
Q Were they heads of families at that time? A Yes, sir.  
Q And went to the agent in 1830 and attempted to get land under article 14 of the treaty of 1830 - that is your information? A Yes, sir.  
Q How did you say you came to know that? A Through family history.  
Q Do you know anything further about your ancestors? A Only what I have stated.  
Q You want to say that they lived in Mississippi according to your information? A Yes, sir.

6832-5

- Q Now then you further stated that you had Choctaw blood negro and white and the negro predominated; do you know whether you have any white blood in you? A No, sir I don't.
- Q But the Negro and Indian you know you have that? A Yes, sir.
- Q You further stated that Nelson L. Lackey is related to you, do you know him personally? A Yes, sir. I don't know.
- Q You know that he is your relative? A I know we are said to be cousins.

This applicant has the appearance and physical characteristics of being descended from negro blood mixed with something else which the commission is unable to determine, has brown eyes, and light complexion; has no knowledge of the Choctaw language, and no knowledge of a compliance or attempted compliance on the part of his ancestors with any of the provisions of the treaty of 1830.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken on said date in said cause and the foregoing is a transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 26 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M C R 6750-6751  
6752-6753-6757  
6762-6832

Muskogee, Indian Territory, March 20, 1903.

A. W. Jones, Agent,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the following documents:

Joint affidavit of Tom B. Walker and L. G. Sims, and certified copy of marriage record between A. H. Walker and Ella Stith, offered in support of the application made by Alfred H. Walker for the identification of himself and minor children as Mississippi Choctaws.

Joint affidavit of A. H. Walker and S. H. Howard, and certified copy of marriage record between Thomas Walker and Callie Rogers, offered in support of the application made by Tom B. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between John T. Walker and Della White, and certified copy of marriage record between John T. Walker and Mary Crawford, offered in support of the application made by John T. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage record between J. W. Walker and Mary Lou Crawford, offered in support of the application made by James W. Walker for the identification of himself and minor children as Mississippi Choctaws.

Certificate of L. B. Harris, Clerk of the Circuit Court, Monroe County, Mississippi, and joint affidavit of J. T. and A. J. Strong relative to the marriage of Nelson Lackey and Elizabeth Strong, offered in support of the application made by Nelson L. Lackey for the identification of himself and minor children as Mississippi Choctaws.

Certified copy of marriage license and certificate between Isaac Watson and Mattie Purnell, offered in support of the application made by Isaac S. Watson for the identification of himself and minor children as Mississippi Choctaws.

A W J 2

Certified copy of marriage license and certificate between John M. Davis and Maggie Chilcoat, offered for filing in support of the application made by John M. Davis for the identification of himself and minor children as Mississippi Choctaws.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Chairman.

Muskogee, Indian Territory, October 31, 1903.

John M. Davis,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |                |
|-----------------------------|----------------|
| Samuel Nelson McGee,        | M. C. R. 6809. |
| Robert McGee, et al.,       | M. C. R. 7247, |
| Thomas McGee, et al.,       | M. C. R. 7248, |
| George McGee, et al.,       | M. C. R. 7249, |
| Truss McGee, et al.,        | M. C. R. 7299, |
| John McGee, et al.,         | M. C. R. 7300, |
| Effie D. Threest,           | M. C. R. 6839, |
| Alfred H. Walker, et al.,   | M. C. R. 6750, |
| Tom B. Walker, et al.,      | M. C. R. 6751, |
| John T. Walker, et al.,     | M. C. R. 6752, |
| James W. Walker, et al.,    | M. C. R. 6753, |
| George Walker,              | M. C. R. 6754, |
| Thomas W. Davis, et al.,    | M. C. R. 7200, |
| John M. Davis, et al.,      | M. C. R. 6832, |
| Nelson L. Lackey, et al.,   | M. C. R. 6757, |
| John W. Davis, et al.,      | M. C. R. 6833, |
| Isaac S. Watson, et al.,    | M. C. R. 6762, |
| Margaret McPherson, et al., | M. C. R. 6758, |
| James T. Strong, et al.,    | M. C. R. 6759, |
| Benjamin Franklin Fulton,   | M. C. R. 6835, |
| William A. Attaway,         | M. C. R. 6760, |
| Edward P. Brown, et al.,    | M. C. R. 6834, |
| James H. Moore, et al.,     | M. C. R. 6761, |
| Willie Perry, et al.,       | M. C. R. 6836, |



Lee A. Edwards, et al.,  
Lou Hayden, et al.,

M. C. R. 6837,  
M. C. R. 6840.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie H. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McGree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson V. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark as Choctaw Indians entitled to rights in



J.M.D.--2.

the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. D. Moody*  
Commissioner in Charge.

Registered.

Department of the Interior.  
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes one  
copy of the testimony in the case below named:

MEK: 6832. John. M. Davis et al

*A. W. Jones*  
Agent for applicants.

M.C.N. 6832

Muskogee, Indian Territory, August 14, 1905.

John M. Davis,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

6832

No. 6832

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAY 1903

Name John M. Davis.

Age 30 - Blood ~~1/4~~ 1/4

Post Office, Muckalee, I. T.

Father: Tom Davis } d

Mother: Edie Davis } l.

Claims through mother ~~3/4~~ 1/2

Wife.

Maggie Davis l. 1/4 Choctaw  
no claim for wife - w & neg.

Children:

Chauncey M. Davis, 3x.

Mary M. " 1 1/2 x.

\* Claims for self &  
2 minors \*

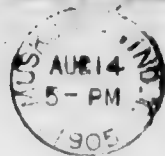
Manager of the Mississippi Choctaw

SEP 1911

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



SEP 15 1905

John M. David

Muskogee, Indian Territory.

RETURNED  
TO WRITER

Opened R.  
mishan.  
John M David  
6832

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**FILED**

JAN 9 1881



CHAIRMAN

12635-

Second Notice.

SEP 21 1905

John M. Davis,

Muskogee, Indian Territory.

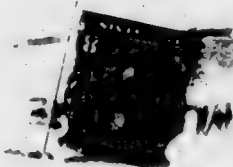
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



CT 31 1





Choctaw MCR 6833

John W. Davis

MCR 6833

#6833.

Department of the Interior  
Commission to the Five Civilized Tribes.  
March 5, 1903. Muskogee, I. T.

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In the matter of the application of John W. Davis for the identification of himself and two minor children Maria L. Davis and Matilda Davis as Mississippi Choctaws.

A. W. Jones attorney for applicants.

John W. Davis being first duly sworn testified as follows:

- Q What is your name? A John W. Davis.  
Q What is your age? A Forty-two.  
Q What is your post office address? A Sunflower, Miss.  
Q How long have you lived in that section of Mississippi? A Ten years.  
Q Where did you live before that? A I was born near Sturgis, Mississippi.  
Q You have always lived in Mississippi? A Yes, sir.  
Q What is your occupation? A Minister of the Gospel.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A No, sir, dead.  
Q What is your father's name? A Lewis Davis.  
Q What was your mother's name? A Maria Davis.  
Q Through which parent do you claim Choctaw blood? A My mother.  
Q How much do you claim? A  $1/4$  or  $1/8$ , something like that.  
Q How much do you think it is? A About  $1/4$  I suppose.  
Q Do you think your mother was  $1/2$  Choctaw? A Yes, sir.  
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Were any of your parents slaves at any time? A My father was.  
Q Were you? A No, sir.  
Q Is your wife living? A Yes, sir my present wife.  
Q Have you any minor children by your first wife? A Yes, sir.  
Q They are all by your first wife? A Yes, sir.  
Q How long has she been dead? A About 14 years.  
Q What was her race? A Well she was negro, I suppose she had a little Indian in her.  
Q Choctaw? A I suppose so.  
Q Do you claim that your children have any Choctaw blood through their mother Mary E. Davis? A Yes, sir.  
Q How much? A About  $1/16$ .  
Q What is the name of your second wife? A Millie H. Davis.  
Q What is her race? A Negro and she has Indian.  
Q Do you make any claim for your second wife? A No, sir.  
Q How many children have you? A Two.  
Q What is the name of the first one? A Maria L. Davis.  
Q How old is she? A sixteen.  
Q How old is the next child? A Matilda Davis.  
Q And how old is Matilda? A Over fourteen.

- Q Are these two children by your first wife? A Yes, sir.  
 Q Have you any children by your second wife? A No, sir.  
 Q You claim for yourself and two children do you? A Yes, sir.  
 Q Have you the proof of your marriage to your first wife? A No, sir, not with me.  
 Q When were you married to her and where? A 1882 near Sturgis 15th February.  
 Q By a minister under a license? A Yes, sir.  
 Q Is your name with the names of your minor children on any of the rolls of the Choctaw Nation in Indian Territory? A No, sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Choctaw nation for yourself and children? A No, sir.  
 Q Have you ever made any such application to the Daves Commission under an act of Congress approved June 10, 1898? A No, sir.  
 Q Do you come before the Commission to identify yourself and these children with yourself as Mississippi Choctaws? A I do.  
 Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.

That article was put into the treaty of 1830 between the United States Government and the Choctaw Indians for the protection of the Choctaw Indians who remained in the State of Mississippi after the treaty of 1830 was ratified. This treaty was made at a place in Mississippi called Dancing Rabbit creek on the 27th day of September of that year. The object of the government was to remove the Choctaw Indians from that old Choctaw Nation to the Choctaw Nation Indian Territory. A good many Indians refused to go under the treaty with the other Indians and for their protection article fourteen was put into the treaty. That article is as follows:

" Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of that treaty? A I have been taught that they did.

- Q What is the name of your ancestor that you claim through? A Samuel McGee and Polly McGee, my great grand parents, and Levina McGee, their daughter.
- Q Whom did Levina marry? A A man named Smith.
- Q And Levina was mother of whom? A Maria Davis.
- Q Did Samuel and his wife Polly live in Mississippi in 1830 and were they married there and head of a family at that time? A So I am informed.
- Q Did they within six months after the treaty of 1830 was ratified go to the United States Indian Agent Colonel Ward and tell him they wanted to take land there and become citizens of the states? A They were claimants, they made application.
- Q Did they go to Colonel at that time and make application to him within six months after that treaty was ratified? A I am so informed.
- Q Did any of your Choctaw ancestors, Samuel or Polly McGee, or Levina, or any other, live on land in that old Choctaw Nation for five years and at the end of that time get a patent from the government under article fourteen of the treaty of 1830? A Not that I know of.
- Q Was Samuel, or his wife Polly, ever a slave at any time? A Not that I know of.
- Q Was Levina? A No, sir.
- Q Was her husband? A Not that I know of. My father was a slave. My mother was not.
- Q Were you? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians at any time between the years of 1833 and 1838? A No, sir.
- Q Did any of them go between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir I think not.
- Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830? A Not that I know of.

In 1837 and also in 1842 Commissions were appointed which went to Mississippi and heard claimants under article 14 of the treaty of 1830. These commissions were appointed under various acts of Congress one approved March 3, 1837 and the other August 23, 1842, to hear the claims of those Indians who had attempted to register under article 14 of the treaty of 1830 but had been refused registration and because they had been refused registration in the old Choctaw Nation, their land had been taken from them by the government and sold at its public land sales.

- Q Did any of your Choctaw ancestors go before either of these two commissions, the commission of 1837 or the commission of 1842 and claim any benefits under article fourteen of that treaty? A I am informed that they did.
- Q You don't know about these commissions of 1837 and 1842 do you? A No, sir.
- Q Your information is that they tried to register in 1831? A Yes, sir.

- Q Did any of your Choctaw ancestors receive scrip which entitled them to secure land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued by an act of Congress of August 23, 1842 and was given to Choctaw Indians who proved their right under article fourteen of the treaty of 1830 and who also proved that their land had been taken from them by the government and sold.

- Q Are you related to Nelson L. Lackey? A We claim to be.  
 Q He has been before the Commission to be identified as a Mississippi Choctaw. Do you want to have your case considered with his? A Yes, sir.  
 Q John M. Davis has been before the Commission today; do you want to have your case considered with his also? A Yes, sir.

The case of Nelson L. Lackey is here referred to for the purpose of consolidation, H.C.R. 5757.

This applicant will be allowed time up to and including the 24th day of March 1903 to offer further evidence or proof in support of this application if he so desires.

By Attorney:

- Q Mr. Davis you stated to the Commission a few moments ago that you were told that your ancestor complied with article 14 of the treaty of 1830 - you were told that were? How did you come to know that? A My mother told me.  
 Q Complied or attempted to comply? A With the article of 1830?  
 Q Do you mean to say that they let the agent of the government know that they wanted to stay and take land there? A Yes, sir that is what I understand.  
 Q That is what you know from family history and tradition? A Yes, sir.  
 Q Were any of them living in Mississippi at that time, have you heard? A I don't know only what I have learned.  
 Q Did you learn that they were heads of a family at the date of the treaty, Polly and Samuel McGee? A That is my understanding.

This applicant has the physical characteristics and appearance of being descended from mixed ancestry; he has Indian blood mixed with some other which he claims to be Choctaw. He is a man of good intellect and presents a good appearance, and tells a good straight forward story in making his application; does not understand the Choctaw language and has no knowledge of a compliance or attempted compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

- Q How much blood did Polly have? A Full.  
 Q Samuel had how much? A One-half is what I understand from family history and tradition.

6833-5

Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 5, 1903 and that the foregoing is a true transcrip of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 26 day of March 1903.

*Charles H. Sawyer*  
Notary Public.

COPY.

M. C. R. 6833

Muskogee, Indian Territory, October 31, 1903.

John W. Davis,

Sunflower, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |                |
|-----------------------------|----------------|
| Samuel Nelson McGee,        | M. C. R. 6809, |
| Robert McGee, et al.,       | M. C. R. 7247, |
| Thomas McGee, et al.,       | M. C. R. 7248, |
| George McGee, et al.,       | M. C. R. 7249, |
| Truss McGee, et al.,        | M. C. R. 7299, |
| John McGee, et al.,         | M. C. R. 7300, |
| Effie D. Threet,            | M. C. R. 6839, |
| Alfred H. Walker, et al.,   | M. C. R. 6750, |
| Tom B. Walker, et al.,      | M. C. R. 6751, |
| John T. Walker, et al.,     | M. C. R. 6752, |
| James W. Walker, et al.,    | M. C. R. 6753, |
| George Walker,              | M. C. R. 6754, |
| Thomas W. Davis, et al.,    | M. C. R. 7200, |
| James M. Davis, et al.,     | M. C. R. 6832, |
| Nelson L. Lackey, et al.,   | M. C. R. 6757, |
| John W. Davis, et al.,      | M. C. R. 6833, |
| Isaac S. Watson, et al.,    | M. C. R. 6762, |
| Margaret McPherson, et al., | M. C. R. 6758, |
| James T. Strong, et al.,    | M. C. R. 6759, |
| Benjamin Franklin Fulton,   | M. C. R. 6836, |
| William A. Attaway,         | M. C. R. 6760, |
| Edward P. Brown, et al.,    | M. C. R. 6834, |
| James H. Moore, et al.,     | M. C. R. 6761, |
| Willis Perry, et al.,       | M. C. R. 6836, |



Lee A. Edwards, et al.,  
Lou Hayden, et al.,

M. C. R. 6837,  
M. C. R. 6840.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Reila McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threest, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mada L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John L. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma M. Davis, Heston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy A. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willie Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and

J.W.D.--3.

Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

Department of the Interior.  
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the case named below:

*MCR, 6833. John. W. Davis et al*

*A. W. Jones*  
Agent for applicant.

M C R 6833

Muskogee, Indian Territory, December 2, 1903.

John W. Davis,  
Moorhead, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, in which you state that our registered letter to you, dated October 31, 1903, was not received until November 20th; that "it was given out to one John Davis who signed his name John W. Davis and secured the letter. You ask to be advised in regard to this matter.

In reply you are informed that the improper delivery of said letter is a matter over which the Commission has no control. The fifteen days from October 31, 1903, heretofore allowed you in which to file argument in support of your claim to be forwarded to the Secretary of the Interior expired on November 15, 1903, and on November 16, 1903, the record in the consolidated Mississippi Choctaw case of Samuel N. McGee, et al., of which your application is a part, together with the decision of the Commission refusing the several applications included therein, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider any further evidence in support thereof.

Respectfully,

M.C.R. 6833

Muskogee, Indian Territory, August 14, 1905.

John W. Davis,

Sunflower, Mississippi,

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the Consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

No. 6833  
 FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 5 1903  
 Name John W. Davis,  
 Age 42 Blood  $\frac{1}{4}$   
 Post Office, In Sunflower, Miss.  
 Father: Lewis Davis, l.  
 Mother: Maria " d

Claims through mother  $\frac{1}{2}$   
 wife (1) Mary E. Davis (d),  
 wife (2) Milli H. " l. neg. & ch.  $\frac{1}{2}$   
 No claim for wife 2 -

Children:  
 Maria L. Davis 16  
 Matilda " 14  
 1st wife is mother  
 of above minor.

Claims for self  
 and 2 minors

Handwritten: Chas. S. Safford

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*John W. Davis et al*

...  
JUL 1 1905

RECEIVED M. C. R. 6503

Choctaw MCR 6834

Edward P. Brown

MCR 6834



Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory  
March 5, 1903.

In the matter of the application of Edward P. Brown for the identification of himself and his four minor children Daisy E. Brown, Emerson W., Noel P. and Earl N. Brown as Mississippi Choctaws.

A. W. Jones attorney for applicants.

Examination by the Commission:

Edward P. Brown being first duly sworn testified as follows:

- Q What is your name? A Edward P. Brown.  
Q What is your age? A Forty-six.  
Q What is your post office address? A Greenville, Washington County, Mississippi.  
Q How long have you lived there? A Since '89.  
Q Where were you born? A Holmesville, Mississippi.  
Q You have always lived in Mississippi? A Yes, sir.  
Q Is your father living? A He is.  
Q Is your mother living? A She is not.  
Q What is your father's name? A Edmund Brown.  
Q What was your mother's name? A Hester Brown.  
Q Through which parent do you claim? A Mother.  
Q How much Choctaw blood do you claim? A Myself? About three-sixteenths.  
Q Do you claim your mother was three-eighths? A Yes, sir.  
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A She has not.  
Q Is your wife living? A She is.  
Q What is your wife's name? A Delia Brown.  
Q What is her race? A She is colored of course.  
Q Do you make any claim for her? A None.  
Q Were your father and mother slaves at any time? A They were.  
Q Were you a slave? A I was. I was born in slavery.  
Q How many children have you that you want to make application for? A Four.  
Q What is your eldest child's name? A Daisy E. Brown.  
Q How old? A Twenty.  
Q The next? A Emerson W. Brown.  
Q What is the age of that child? A He is nineteen.  
Q The next? A Noel P. Brown, sixteen.  
Q Next. A Earl N.  
Q How old? A Thirteen.  
Q You claim for yourself and these children do you? A Yes, sir.  
Q Is your wife Delia Brown mother of these children? A She is.

- Q Are you and your wife living together as husband and wife and are these children living with you at your home? A We are and they are.
- Q Where were you married to your wife and when? A At Summit Mississippi, 16th January, 1879.
- Q By a minister under a license? A Yes, sir.
- Q Is your name with the names of any of your minor children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A They are not. No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children wither to the Choctaw tribal authorities or to the Dawes Commission under an act of Congress approved June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship, either your or your children, in the Choctaw Nation by any authority whatever up to the present time? A No, sir.
- Q Do you come before the Commission now to be identified with your children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes, sir.
- Q You think you understand that part well enough don't you? A I don't know that I really understand it.
- Q You know what a treaty is don't you? A Yes, sir.
- Q And you know what an article? A Yes, sir.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians in Mississippi on the 27th day of september 1830 and was made for the purpose of removing the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama, from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before this treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians and article 14 was put into the treaty for their benefit. Now that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply with that article or attempt to do so? A They did.
- Q Who did? Give me the names? A My great great grand parent John Jones.
- Q Is John Jones an ancestor of Samuel McGee or Polly McGee? A He is.
- Q He is how related to Samuel McGee? A Not to Samuel but to Polly Samuel's wife.
- Q How was John Jones related to Polly McGee? A Her father.
- Q Well then you go back to Polly's father John Jones don't you? A Yes, sir.
- Q And ~~you~~ back to Polly's husband Samuel McGee on that side? A Yes, sir.
- Q How much Choctaw blood did John Jones have? A He was a full blood.
- Q How much Choctaw blood did Polly his daughter have? A full blood.
- Q Well then Polly's mother must have been full blood? A Yes, sir.
- Q How much did Samuel McGee have? A One-half.
- Q Now did John Jones, or did his daughter Polly, or did Samuel McGee her husband, or any other of your Choctaw ancestors live in Mississippi in 1830, and have a family there then? A Polly and Samuel McGee lived in Mississippi.
- Q And were married there then in 1830? A Yes, sir.
- Q How about John Jones? A John Jones lived in Alabama.
- Q Did any of these ancestors of yours live on land in the old Choctaw nation in 1830 and after living on it five years get a deed or patent from the government? A I don't know as to that.
- Q Did any of your Choctaw ancestors go to Colonel Ward, the United States Indian agent in the old Choctaw Nation within six months after the ratification of the treaty and register or attempt to register under article 14 of that treaty? A Well did any of these ancestors try to register under article 14 by going to Colonel Ward within six months after the treaty was ratified? A John Jones did.
- Q Did Samuel go? A I think he applied.
- Q And did his wife Polly? A I suppose she joined him.
- Q Do you know? A No, sir.
- Q What you know is from family history is it? A Yes, sir.
- Q Well now did any of them get on the rolls at that time? A What rolls?
- Q Ward's register? A Well they applied for their lands.
- Q In Mississippi? A Yes, sir.
- Q Sure? Now we have Wards register here. Do you know whether their names are on that register? A Yes, sir.
- Q -On page 18 in Volume I of the Choctaw Nation vs the United States is a list of what purports to be the original register of Choctaws made by Colonel William Ward under the provision of the treaty approved February 24, 1831. The name of John Jones appears on that list entered on July 3 1831 and gives him as having one child over ten years of age.
- Q Do you think that is your ancestor Mr. Brown, this John Jones whose name appears on Ward's list, or a certified copy thereof? A Yes, sir according to tradition.

- Q Now was that John Jones, your great great grandfather, whom you think is the John Jones whose name appears upon Wards register list, an Indian or a white man? A An Indian.
- Q How much Indian blood did he have? A eight eights.
- Q He was a full blood? A Yes, sir.
- Q Now you are sure about that are you? A Yes, sir, according to tradition.
- Q Was he a slave at any time? A He was not.
- Q Did he have a white wife or an Indian wife? A I don't know but tradition has it his daughter Polly was full blood; his wife must have been an Indian.
- Q Do you think she was? A According to tradition.
- Q You are sure he was an Indian, he must have been if his daughter was full blood, both he and his wife must have been full blood? A Yes, sir.

On page 627 Volume 7 of the American State Papers, Public Land s under the statement or deposition of Grant Lincecum appears the name of one Samuel McGee. A question is propounded to Grant Lincecum as follows: "Do you recollect of seeing Samuel McGee in May or June of the year 1831 at the agency give in his name and did you see the agent register it? A Yes, sir I did, it was in May 1831. I was with McGee at the agency and he I say him give in his name and saw Ward put it down but I understood that his name was not afterwards found and his land was sold from him at the sales."

- Q Do you know whether that is the same Samuel McGee that you claim to be your ancestor who married Polly McGee? A I think so.
- Q Do you know so? A Well yes.
- Q How do you know? A Well tradition has it that Samuel and Polly attempted to comply. I don't know about them.
- Q Do you know anything beyond tradition? A Nothing.
- Q You certainly believe that is the same one but your knowledge if is from family history and tradition? A Yes, sir.

Reference is here made to the deposition of Grant Lincecum on page 635, Volume 7 American State Papers as containing the name of one Samuel McGee as quoted above.

Time will be allowed to and inclusive of the 24th day of March 1903 for the applicant to introduce further evidence in support of his case if he so desires.

Examination by attorney:

- Q You say that your ancestor John Jones as the head of a family in 1830 and owned improvements on land? A In Sumpter County Ala.
- Q How do you know that? A Family tradition.
- Q You know nothing of your ancestors compliance or attempted compliance only by tradition? A Yes, sir.
- Q Dr. What relation is John M. Davis to you? A Cousin.

by Commission:

the case of John M. Davis M.C.R. 6832 is here referred to

6834-b

Q Is John W. Davis a relation of yours? A Yes, sir.

Q He also claims through Samuel and Polly McGee? A Yes, sir.

The case of John W. Davis M.C.R. 6833 is here referred to.

The applicant has the appearance of being descended from negro parentage; he is a man of good intelligence, testifies in a straight forward manner; has no knowledge of the Choctaw language; he claims a compliance on the part of his ancestor, his great great grandfather John Jones as the one found on Colonel Ward's list as being a full blood Choctaw Indian and as having complied with article 14 of the treaty of 1830.

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Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause heard on March 5, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 26 of March 1903.

*Charles H. Davis*

Notary Public.

M.C.R. 6837  
M.C.R. 6834

Muskogee, Indian Territory, April 2, 1903.

A.W. Jones,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter enclosing marriage certificate between L.A. Edwards and S.D. Lacy, offered for filing in support of the application of Lee A. Edwards for the identification of himself and minor children as Mississippi Choctaws; also certificate of A.P. Sparkman, Circuit Clerk of Pike County, Mississippi, to the destruction by fire of the county records of that county; offered for filing in support of the application made by Edward P. Brown for the identification of himself and minor children as Mississippi Choctaws; and the same have been filed with the records in these respective cases.

Respectfully,

Commissioner in Charge.



COPY.

M.C.R. 6834.

Muskogee, Indian Territory, October 31, 1903.

Edward P. Brown,

Greenville, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |                |
|-----------------------------|----------------|
| Samuel Nelson McGee,        | M. C. R. 6809, |
| Robert McGee, et al.,       | M. C. R. 7247, |
| Thomas McGee, et al.,       | M. C. R. 7248, |
| George McGee, et al.,       | M. C. R. 7249, |
| Truss McGee, et al.,        | M. C. R. 7299, |
| John McGee, et al.,         | M. C. R. 7300, |
| Effie D. Threet,            | M. C. R. 6839, |
| Alfred H. Walker, et al.,   | M. C. R. 6750, |
| Tom B. Walker, et al.,      | M. C. R. 6751, |
| John T. Walker, et al.,     | M. C. R. 6752, |
| James W. Walker, et al.,    | M. C. R. 6753, |
| George Walker,              | M. C. R. 6754, |
| Thomas W. Davis, et al.,    | M. C. R. 7200, |
| John M. Davis, et al.,      | M. C. R. 6832, |
| Nelson L. Lackey, et al.,   | M. C. R. 6757, |
| John W. Davis, et al.,      | M. C. R. 6833, |
| Isaac S. Watson, et al.,    | M. C. R. 6762, |
| Margaret McPherson, et al., | M. C. R. 6758, |
| James T. Strong, et al.,    | M. C. R. 6759, |
| Benjamin Franklin Fulton,   | M. C. R. 6835, |
| William A. Attaway,         | M. C. R. 6760, |
| Edward P. Brown, et al.,    | M. C. R. 6834, |
| James H. Moore, et al.,     | M. C. R. 6761, |
| Willis Perry, et al.,       | M. C. R. 6836, |

Lee A. Edwards, et al.,  
Lou Hayden, et al.,

M. C. R. 6837,  
M. C. R. 6840.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threest, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McGree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy M. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willie Perry, Monroe Perry, Robertson Perry, Page Perry, Willie Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article



E.P.B.--3.

fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*E. B. Noddies*

Commissioner in Charge.

Registered.

Department of the Interior.  
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the case named below:

*MCR. 6834. Edward P. Brown. et al*

*A. W. Jones*  
Agent for applicant.

M.C.R. 6834

Muskogee, Indian Territory, August 14, 1905.

Edward P. Brown,

Greenville, Mississippi.

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaw of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

6834

No.

6834

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 5 1907

Name

Edward P. Brown

Age

46

Blood

 $\frac{3}{16}$ 

Post Office,

Grenville, Miss.

Father:

Edmund Brown

Mother:

Nester .. } d

Claims through

mother -  $\frac{3}{8}$  -wife.

Relia Brown, l. coloured  
No claim for wife.

Children:

Harry E. Brown, 20  
Emerson W. .. 19  
~~Joe~~ Noel P. .. 16  
Earl Brown<sup>N</sup> .. 13

Claims for self  
and 4 minors

Monograph the 1907 and 1908

IDENTIFICATION AS R. 6838  
A MISSISSIPPI CHOCTAW.

Edward P. Brown et

APPROVED BY  
JANUARY 1905

1905

APR 11 1905

REFER TO M. C. R. 6069

Choctaw MCR 6835

Benjamin F. Fulton

MCR 6835

Department of the Interior  
Commission to the five Civilized Tribes.  
Muskogee, I.T. March 5, 1903.

---o---

In the matter of the application of Benjamin Franklin Fulton for the identification of himself as a Mississippi Choctaw.

A. W. Jones attorney for applicant.

Benjamin F. Fulton being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Benjamin Franklin Fulton.  
Q What is your age? A Thirty.  
Q What is your post office address? A Greenville, Mississippi.  
Q How long have you lived in Mississippi? A Born in Mississippi.  
Q Have you always lived in Mississippi? A Yes, sir.  
Q Where were you born? A Madison County Mississippi.  
Q And your father's name is what? A B. F. Fulton.  
Q Is he living? A No, sir.  
Q Your mother's name is what? A Julia Center.  
Q Do you claim through your father or your mother? A Mother.  
Q How much Choctaw blood do you claim? A three sixteenths.  
Q Do you claim she was three-eighths? A Yes, sir.  
Q Were your parents slaves at any time? A My father was.  
Q Was your mother? A No, sir.  
Q Has your mother ever been recognized or enrolled by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A No, sir.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Lucy L. Fulton.  
Q What is her race? A Well she is part Choctaw and part Negro.  
Q do you make any claim for her? A No, sir.  
Q Have you any children? A No, sir none living.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation wither to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under an act of Congress approved June 10, 1896? A No, sir.  
Q Have you ever been enrolled as a member of the Choctaw tribe by any authority whatever? A No, sir.  
Q This is your first application? A Yes, sir.  
Q You want to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Do you claim under article 14 of the treaty of 1830? A Yes, sir.  
Q You have heard it read and explained do you understand it? A I think so.  
Q How do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that treaty? A My great great grandfather as I understand it did.

Article 14 of the treaty is as follows:

"Each choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A I am claiming through my mother and John Jones.
- Q What relation was John Jones to you? A Great great grandfather.
- Q Did you ever hear of Samuel McGee? A Yes, sir.
- Q Did you ever hear of Polly McGee? A Yes, sir.
- Q What relation was Polly McGee to John Jones? A His daughter.
- Q What relation was Polly his daughter to you? A She was my great grand mother.
- Q You claim your Choctaw blood through John Jones and his daughter Polly, who married McGee. How much Choctaw blood did John Jones have? A Full blood.
- Q How much did his daughter Polly have? A Full blood.
- Q How much did Samuel her husband have? A One-half as I have it.
- Q Now did John Jones, or Polly McGee, or her husband Samuel McGee or any of your Choctaw ancestors live in Mississippi in 1830 and have a family there then? A As I have it handed down to me they lived in Mississippi and Alabama.
- Q Well did John Jones ever live in Mississippi? A Yes, sir.
- Q Did he also live in Alabama? A Yes.
- Q Where was he living in 1830 when that treaty was made? A Mississippi as I understand it.
- Q Did Polly and Samuel live there in 1830 and have a family there then? A Yes, sir they were married and head of a family.
- Q At the time when the treaty of 1830 was made John Jones had how many children in his family, do you know whether he had any children that were minors? A I don't know of any but Polly.
- Q And she was married at that time was she? A Yes, sir.
- Q Then you don't know of any minor children - any children younger than Polly? A No, sir.
- Q Did any of your Choctaw ancestors go to the United States Indian Agent Colonel Ward within six months after the treaty was ratified and tell him they wanted to take land there and become citizens of the states? A Yes, sir.



- Q Who did? John Jones? A Yes, sir.
- Q Did John Jones get on Ward's list? A Yes, sir.
- Q Did Samuel McGee? A I don't know he attempted to get on.
- Q Well did he get on? He or Polly? A I think they did.
- Q Is the John Jones whose name is on Ward's list now the same John Jones through whom you claim your right to be identified as a Mississippi Choctaw? A Yes, sir.
- Q He was a full blood Indian? A Yes, sir.
- Q Was his wife a full blood Indian? A Yes, sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir.
- Q None of your Choctaw ancestors ever went west to the Choctaw Nation Indian Territory? A No, sir.
- Q Did any of your Choctaw ancestors live on land in Mississippi or Alabama for five years and then get a patent from the government under article fourteen? A I don't know.
- Q Was John Jones a slave? A No, sir.
- Q Was Samuel or Polly McGee? A No, sir.
- Q You claim through your mother do you? A Yes, sir.
- Q And she claims through her father? A Yes, sir.
- Q What is his name? A Humphrey McGee.
- Q And Humphrey claimed through whom? A Through his mother and father Samuel and Polly McGee.
- Q Was Humphrey a slave at any time? A No, sir.
- Q Benjamin F. Fulton was your father? A Yes, sir.

In 1837 and also in 1842 commission were appointed which went to Mississippi and heard claims under article 14 of the treaty of 1830. These commissions were appointed by various acts of Congress one on March 3, 1837 and the other on August 23, 1842 because of the complaints of Choctaw Indians who claimed that they had tried to register under article 14 but that they had been refused registration by Colonel Ward, and because of this refusal their lands had been taken from them and sold by the government at its public land sales.

- Q Did any of your Choctaw ancestors go before either of these commissions and claim any rights under article 14 of the treaty of 1830? A Yes, sir.
- Q I am not talking about Ward receiving their application now. I am talking about the commissions that were appointed in 1837 and 1842? A I failed to understand your question.
- Q Well they might have gone before these commissions? A I don't know.
- Q Did any of your Choctaw ancestors receive scrip which scrip entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip entitled them to select land to take the place of other lands which the government had disposed them of.

On page 18 Volume I of the Choctaw Nation vs the United States appears what purports to be a copy of Ward's register. It contains the name of Choctaw citizens who wished to reside in Mississippi and become citizens of the states according to the provision of the treaty of 1830 and said list contains the names of one John Jones, whose name is entered upon said list July 5th where he is given as having one child over ten years of age.

- Q Do you know whether that John Jones is your ancestor through whom you claim and whom you say is full blood Indian? A That is family history that has been handed down to me.
- Q Do you think it is the same one? A Yes, sir.
- Q Did you ever hear that he had negro or white blood? A No, sir.
- Q You are sure he was a full blood Indian? A Yes, sir.

In the American State Papers Public Lands on page 335 of Volume VII, in a deposition signed by Grant Lincecum appears the name of one Samuel McGee; and in that signed statement made by him the said Samuel McGee in May or June 1831 gave his name to Colonel Ward, The United States Indian Agent, to register and that Colonel Ward entered his name down for registration, but afterwards it was found that McGee's land was sold.

- Q Is that the same Samuel McGee that you claim through? A Yes, sir.
- Q Are you sure it is the same? A Yes, sir.
- Q What proof have you? A It coincides with the history which has been handed down to me.
- Q Have you no other proof? A No, sir.

This applicant will be allowed up to and inclusive of the 24th day of March 1903 in which to introduce further evidence in support of his case if he so desires.

- Q Do you want your case consolidated with that of Nelson L. Lackey? A Yes, sir.
- Q He is related to you? A Yes, sir.
- Q What relation? A Cousin.

The case of Nelson L. Lackey is here referred to M.C.R. 6757.

**Examination by attorney:**

- Q Mr. Fulton have you always lived in Mississippi? A Yes, sir.
- Q And your ancestors always lived there? A No, sir, family history has it that John Jones at one time lived in the state of Alabama.
- Q That your great ancestor at one time lived in the state of Alabama? A Yes, sir.
- Q Can you give the name of that ancestor who lived in Mississippi? A John Jones.
- Q Do you know whether he owned land there in Mississippi or Alabama? A No, sir.

6838-5

This applicant is descended from mixed blood but the Commission is unable to determine as to the mixture. He is a witness of intelligence and gives an honest straight forward statement of his claims; has no knowledge of the Choctaw language and no knowledge of a compliance or attempted compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

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Chas. Diffendaffer being duly sworn states that as stenographer to the Commission to the five civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee March 5, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed to and sworn to before me this 26 day of March 1903.

*Charles H. Sawyer*  
Notary Public.

COPY.

M.C.R. 6835.

Muskogee, Indian Territory, October 31, 1903.

Benjamin Franklin Fulton,  
Greenville, Mississippi.

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |                |
|-----------------------------|----------------|
| Samuel Nelson McGee,        | M. C. R. 6809, |
| Robert McGee, et al.,       | M. C. R. 7247, |
| Thomas McGee, et al.,       | M. C. R. 7248, |
| George McGee, et al.,       | M. C. R. 7249, |
| Truss McGee, et al.,        | M. C. R. 7299, |
| John McGee, et al.,         | M. C. R. 7300, |
| Effie D. Threet,            | M. C. R. 6839, |
| Alfred H. Walker, et al.,   | M. C. R. 6750, |
| Tom B. Walker, et al.,      | M. C. R. 6751, |
| John T. Walker, et al.,     | M. C. R. 6752, |
| James W. Walker, et al.,    | M. C. R. 6753, |
| George Walker,              | M. C. R. 6754, |
| Thomas W. Davis, et al.,    | M. C. R. 7200, |
| John M. Davis, et al.,      | M. C. R. 6832, |
| Nelson L. Lackey, et al.,   | M. C. R. 6757, |
| John W. Davis, et al.,      | M. C. R. 6833, |
| Isaac S. Watson, et al.,    | M. C. R. 6762, |
| Margaret McPherson, et al., | M. C. R. 6758, |
| James T. Strong, et al.,    | M. C. R. 6759, |
| Benjamin Franklin Fulton,   | M. C. R. 6835, |
| William A. Attaway,         | M. C. R. 7760, |
| Edward P. Brown, et al.,    | M. C. R. 6834, |
| James H. Moore, et al.,     | M. C. R. 6761, |
| Willis Perry, et al.,       | M. C. R. 6836, |
| Lee A. Edwards, et al.,     | M. C. R. 6837, |

Lou Hayden, et al.,

M. C. R. 6840.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threest, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom P. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma M. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McGree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram and Henry Clark, as Choctaw Indians entitled to rights in

B.F.P.--3.

the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused; and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECEIVED

*I. B. Needles.*

Commissioner in Charge.

Registered.

Department of the Interior.  
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the case named below:

*McK. 6835. Benjamin. H. Hutton*

Agent for applicant.

M.C.R. 6836

Muskogee, Indian Territory, August 14, 1905.

Willis Perry,

Heathman, Mississippi.

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.



6835

No.

6835

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 5 1887

Name Benjamin T. Fulton.

Age

30

Blood

$\frac{3}{16}$

Post Office,

Gumville, Miss.

Father:

Beni T. Fulton, S.

Mother:

Julia Center S.

Claims through

mother  $\frac{3}{8}$  -

wife.

Lucy L. Fulton, S.  
no claim for wife <sup>choc. & neg.</sup>

~~Children:~~

Claims for self  
only

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R.6835

*Bryamin F. Fulton*

RECEIVED M. C. R. 6809

Choctaw MCR 6836

Willis Perry

MCR 6836

Department of the Interior  
Commission to the Five Civilized Tribes.  
March 5, 1903, Muskogee, I.T.

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In the matter of the application of Willis Perry for the identification of himself and his four minor children Monroe, Robertson, Page and Willis Perry as Mississippi Choctaws.

A. W. Jones attorney for applicants.

Willis Perry being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Willis Perry.  
Q What is your age? A Forty.  
Q What is your post office address? A Heathman, Mississippi.  
Q How long have you lived in Mississippi? A About twenty years.  
Q Where were you born? A Alabama.  
Q Did you go from Alabama to Mississippi? A Come from Alabama to Mississippi.  
Q And have lived in Mississippi how long? A Twenty years.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Monroe McGee.  
Q What was your mother's name? A Becky Perry.  
Q Was she a slave? A Yes, sir.  
Q Both your parents were slaves? A Yes, sir.  
Q And were you? A Yes, sir.  
Q Were you and your mother liberated at the time of the war? A Yes, sir.  
Q Do you claim through your mother or father? A Father.  
Q How much Choctaw blood do you claim? A one-quarter.  
Q Was your father one-half Choctaw? A Yes, sir.  
Q Was he recognized and enrolled as Choctaw Indian by the Choctaw tribal authorities in the Indian Territory or the United States authorities in Indian Territory? A No, sir.  
Q Is your wife living? A Yes, sir.  
Q Were your father and mother ever married or did they simply come together as slaves did? A I understand they were married.  
Q During slavery times? A Yes, sir.  
Q Did they live together after the war? A Yes, sir.  
Q What is your wife's race? A Colored.  
Q Is she living? A Yes, sir.  
Q What is her name? A Annie Perry.  
Q Do you make any claim for your wife? A No, sir.  
Q How many children have you? A Four.  
Q What is the name of the oldest? A Monroe Perry.  
Q How old? A About twenty-three.  
Q What is the name of the next? A Robertson Perry.

- Q How old? A Twenty-one.
- Q What is the name of the next? A Page Perry.
- Q How old? A Eighteen.
- Q Next? A Willis Perry.
- Q How old? A Fifteen.
- Q Is that all? A Yes, sir.
- Q Is your wife Annie Perry the mother of these children? A Yes, sir.
- Q Have you the proof of your marriage with her with you now? A No, sir.
- Q Is your name or the names of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896, for yourself or children? A No, sir.
- Q Is your name with the names of your children on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Can you tell when and where you were married to your wife Annie? A Married to her July 3, 1878.
- Q By a minister under a license? A Yes, sir.
- Q You haven't the proof of that marriage with you? A No, sir.
- Q Do you claim your right to be identified as a Mississippi Choctaw and the right of these children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, sir.

It is as follows:

"Each choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article 14 of the treaty of 1830 under which you are claiming today. It was necessary to put that article into the treaty in order to protect the interest of the Choctaw Indians who staid back in Mississippi in the old Choctaw Nation after the treaty of 1830 was ratified and who refused to go to the Choctaw Nation Indian Territory under the treaty. This treaty was made between the government of the United States and the Choctaw

Indians for the purpose of getting their consent to go to the Choctaw Nation Indian Territory from the old Choctaw Nation. Those who stayed back in the old nation are now known as Mississippi Choctaws and through whom these are now making claim.

- Q What is the name of your ancestor - or the names of your ancestors through whom you claim this right to be identified as a Mississippi Choctaw? A My Great great grandfather.
- Q What was his name? A John Jones.
- Q Was he a full blood Choctaw Indian? A Yes, sir.
- Q Are you sure? A Yes, sir.
- Q You swear that? A No, sir.
- Q Do you know anything about his wife - was she or was she not a Choctaw Indian? A She must have been.
- Q Why must she have been? A Because Polly was a full blood.
- Q Who was Polly? Was she his daughter? A Yes, sir.
- Q Polly what? What was her name when she married? A Polly McGee.
- Q And you think she was a full blood do you? A Yes, sir.
- Q You didn't say she was an half blood? A No, sir.
- Q Who did Polly McGee marry? A Samuel McGee.
- Q How much Choctaw blood did Samuel have? A One-half.
- Q Are you sure about that? A Yes, sir.
- Q Now in a list of Choctaw Indians who made application before Colonel Ward the United States Indian Agent for the purpose of registering under article 14 of the treaty of 1830, as shown on page 18 of volume I of the Choctaw Nation vs the United States appears the name of one John Jones. That John Jones was undoubtedly a beneficiary under article 14 of the treaty of 1830. Do you know that that John Jones in Ward's register is the John Jones that you claim was your great great grandfather? A It is part of the family record.
- Q Do you claim it? A Yes, sir.
- Q Will you swear it? A Yes, sir.
- Q And your knowledge is based on family history and tradition? A Yes, sir.
- Q From what they have taught you? A Yes, sir.
- Q Was that John Jones on Ward's register a full blood Choctaw Indian? A Yes, sir.
- Q And do you know whether or not it speaks of John Jones wife as being a full blood Indian in that list? A I don't know about his wife.

On page 635 of Volume VII American State papers in a deposition signed by one Grant Lincecum appears the name of one Samuel McGee, who it appears by said deposition made by Grant Lincecum, went to Colonel Ward and attempted to register under article 14 of the treaty of 1830.

- Q Do you know whether the Samuel McGee whose name appears on page 635 of Volume VII of the American State Papers is your ancestor who married Polly McGee, is that the same person? A Yes, sir.
- Q Sure? A Yes, sir.
- Q Swear it? A Yes, sir.

- Q How do you know? A By the family records.
- Q I understand you have no family record - you have family tradition is that what you mean? A Yes, sir.
- Q You know that fact by family tradition do you? A Yes, sir.
- Q You don't know it any other way except family tradition do you? A No, sir.
- Q Did any of your Choctaw ancestors live in the old Choctaw Nation on land for five years and at the end of that time get a patent from the government under article 14? A Yes, sir they lived down there on land.
- Q Did any get a patent from the government? A I don't know.
- Q Where did they live on land there? A Mississippi.
- Q Whereabouts? A I don't know.
- Q Did you ever see that land? A No, sir.
- Q How is it bounded? A Never was there.
- Q How many acres was there in it? A I don't know.
- Q Did they claim it under article 14 or under scrip issued by the government in 1842? A I don't know.
- Q Did any of your ancestors get any scrip under article 14 of the treaty of 1830? This scrip was issued under an act of Congress approved August 23, 1842 and was issued to Choctaw Indians who proved their right under article 14 and also proved that their land had been taken from them by the government and sold. Did any of your ancestors get any such scrip? A John Jones did.
- Q Is he the one whose name appears on Ward's list? A Yes, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.

Examination by attorney:

- Q What did you say your name was Willis Perry. A Yes, sir.
- Q You stated to the Commission that in 1842 your great great grandfather received scrip entitling him to land. Do you know that to be a fact? A No, sir.
- Q What made you say that he did? A Because he owned land.
- Q Do you wish your statement of awhile ago corrected? A Yes, sir.

This applicant will be allowed up to and including the 24th day of March for the introduction of any evidence which he may want to produce.

The applicant has African characteristics; the Commission is unable to determine his mixture of Choctaw or other blood with the African; his parents and he were slaves at one time; does not understand or speak the Choctaw language; has no knowledge of a compliance or attempted compliance on the part of his ancestors aside from family history and tradition. He claims his ancestor John Jones is on Ward's register and says John Jones was a full blood Choctaw Indian.

- Q Are you related to Benjamin F. Fulton? A Yes, sir.
- Q What relation? A Cousins.
- Q And to Edward P. Brown? A Yes, sir.
- Q Cousins? A Yes, sir.

6836-5

Q John W. Davis is he related? A Yes, sir.  
Q And John M. Davis? A Yes, sir.

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Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the five Civilized Tribes he reported the proceedings had in the above entitled cause and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 26 day of March 1903.

*Charles H. Sawyer*

Notary Public.



COPY.

M.C.R. 6836.

Muskogee, Indian Territory, October 31, 1903.

Willis Perry,

Heathman, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |             |
|-----------------------------|-------------|
| Samuel Nelson McGee,        | M.C.R. 6809 |
| Robert McGee, et al.,       | M.C.R. 7247 |
| Thomas McGee, et al.,       | M.C.R. 7248 |
| George McGee, et al.,       | M.C.R. 7249 |
| Truss McGee, et al.,        | M.C.R. 7299 |
| John McGee, et al.,         | M.C.R. 7300 |
| Effie D. Threest,           | M.C.R. 6839 |
| Alfred H. Walker, et al.,   | M.C.R. 6750 |
| Tom B. Walker, et al.,      | M.C.R. 6751 |
| John T. Walker, et al.,     | M.C.R. 6752 |
| James W. Walker, et al.,    | M.C.R. 6753 |
| George Walker,              | M.C.R. 6754 |
| Thomas W. Davis, et al.,    | M.C.R. 7200 |
| John M. Davis, et al.,      | M.C.R. 6832 |
| Nelson L. Lackey, et al.,   | M.C.R. 6757 |
| John W. Davis, et al.,      | M.C.R. 6833 |
| Isaac S. Watson, et al.,    | M.C.R. 6762 |
| Margaret McPherson, et al., | M.C.R. 6758 |
| James T. Strong, et al.,    | M.C.R. 6759 |
| Benjamin Franklin Fulton,   | M.C.R. 6838 |
| William A. Attaway,         | M.C.R. 6760 |
| Edward P. Brown, et al.,    | M.C.R. 6834 |
| James H. Moore, et al.,     | M.C.R. 6761 |
| Willis Perry, et al.,       | M.C.R. 6836 |
| Lee A. Edwards, et al.,     | M.C.R. 6837 |
| Lou Hayden, et al.,         | M.C.R. 6840 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Willie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene C. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John W. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl H. Brown, James M. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

W. P. - 3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,  
(SIGNED)

*A. B. Woodard*

Commissioner in Charge.

Registered.

Department of the Interior.  
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the case named below:

*In CR. 6836. Wallis Perry et al*

*A. W. Jones*  
Agent for applicant.

M.C.R. 6836

Muskogee, Indian Territory, August 14, 1905.

Benjamin F. Fulton,  
Greenville, Mississippi.

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

6836

No.

6836

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 5 1907

Name *Willis Perry*

Age *40*

Blood *1/4*

Post Office, *Heathman, Miss.*

Father: *Monroe McGee, d*

Mother: *Becky Perry, d*

Claims through *as father 1/2*

*Wife -*

*Annie Perry, local.*

*No claim for wife*

Children:

*Monroe Perry, 23.*

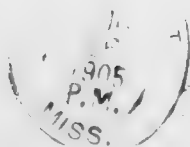
*Robertson .. 21*

*Page .. 18*

*Willis .. 15*

*Claim for such  
and 4 minor*

*Monograph of Choctaw Indians*



Wells Camp 1864



Choctaw MCR 6837

Lee A. Edwards

MCR 6837

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 5, 1903.

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In the matter of the application of Lee A. Edwards for the identification of himself and his two minor children James L. and Lillie Edwards as Mississippi Choctaws.

A. W. Jones attorney for applicant.

Lee A. Edwards being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Lee A. Edwards.  
Q What is your age? A Forty.  
Q What is your post office address? A Clarksdale, Mississippi.  
QQ Have you always lived in the state of Mississippi? A Yes, sir.  
Q How long in Clarksdale? A About three years now.  
Q And before that you lived in Mississippi? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What was your father's name? A James Edwards.  
Q What is your mother's name? A Mary Jane Edwards.  
Q Through which parent do you get your choctaw blood? A Through my mother.  
Q How much? A About three-sixteenths.  
Q Do you claim that your mother was three-eighths? A Yes, sir.  
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Is your wife living? A My wife? Yes, sir.  
Q What is her race? A She is mixed Indian and negro.  
Q Do you make any claim for her? A No, sir.  
Q What is her name? A Susie A. Edwards.  
Q Were your parents slaves at any time? A Yes, sir.  
Q Both of them? A Yes, sir.  
Q Were you? A Yes, sir, born in slavery.  
Q Have you any children you want to make application for? A Two.  
Q What is the name of the oldest? A James L. Edwards.  
Q How old is James? A eighteen.  
Q Next one? A Lillie, she is sixteen.  
Q That is all is it? A Yes, sir.  
Q Do you know whether your name or the name of your children are on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Is Susie A. Edwards the mother of these two children? A Yes, sir.  
Q Have you proof of your marriage with you? A No, sir.  
Q Can you give the date? A 1887 September 7.  
Q Were you married by a minister under a license? A Yes, sir.

You will be allowed up to and inclusive of the 24th day of March 1903 for the introduction of the proof of your marriage to your wife and for the introduction of any other proof you may want to.

- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and your minor children either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress approved June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship by any authority whatever up to the present time? A No, sir.
- Q You claim under article 14 of the treaty of 1830? A Yes, sir.
- Q You want to be identified as a Mississippi Choctaw under that article? A Yes, sir.
- Q You understand it do you not? A Hardly.
- Q Do you think you understand it well enough to claim under it? A Yes, sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intent to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand it well enough to claim under it? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Jones, my great great grand-father.
- Q How much Choctaw blood did John Jones have? A Full blood from what I can remember.
- Q He was a full blood Choctaw Indian? A Yes, sir.
- Q Are you sure from what you remember that he had no negro or white blood? A No, sir I have no record that he did.
- Q All your knowledge and all you ever heard was that he was a full blood? A Yes, sir.
- Q Have you ever heard any thing about John Jones's wife? A No, sir.
- Q You have no knowledge what her blood was? A It must have been full blood of course.

- Q She had children and they were known as full blood? A Yes, sir.
- Q To whom do you have reference? A Polly McGee.
- Q To whom was she married? A to McGee.
- Q What was his name? A Samuel.
- Q Was he a full blood or did he have any Choctaw blood? A Well he was one-half.
- Q Are you as sure that Samuel McGee was one-half blood as you are that Polly was a full blood and that her father John Jones was a full blood? A Yes, sir.
- Q Did John Jones your great great grandfather this full blood Choctaw Indian live in Mississippi or Alabama? A I think he lived in Alabama.
- Q Did he live on any land there that he got from the government? A I don't know.
- Q Did he live there in 1830 and have a family there then? A I don't know.
- Q Was Polly living and married at that time? A Yes, sir, I think so.
- Q Where? A I don't know she might have been living in Mississippi.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty and the date of this application made by you today? A No, sir.
- Q You never heard any of them did go? A No, sir.
- Q Did any of them live on land in the old Choctaw Nation either in Mississippi or Alabama for five years and at the end of that time get a deed or patent from the government? A No, sir.
- Q Did any of your Choctaw ancestors claim rights in that old Choctaw Nation wither in Mississippi or Alabama under article 14? A No, sir.
- Q Did any go to Colonel Ward the United States Indian Agent within six months after the treaty was ratified, which was done on February 24, 1831, and register or attempt to register under article fourteen of that treaty? A I don't think so.
- Q Didn't John Jones succeed in getting on that list? A Yes, sir.
- Q A John Jones did get on that list? A Yes, sir.
- Q Are you sure he was your ancestor? A Yes, sir.
- Q And that he was a full blood Choctaw Indian? A Yes, sir.
- Q And so appears on the list? A Yes, sir.

A list purported to be Ward's list is referred to in Volume I of the Choctaw Nation vs the United States, page 18. The name of John Jones which appears upon said list was entered on July 5, 1831 and is on said list said to possess one child over 10 years of age.

- Q You say you don't know whether his wife was an Indian or negro? A No, sir.

In 1837 and 1842 Commissions were appointed to go to Mississippi and hear claims under article 14 of the treaty of 1830. These commissions were appointed because a great many Indians had tried to register under article 14, but because they failed were dispossessed of their lands by Colonel Martin the locating Agent who afterwards took Ward's list and went to Mississippi in the old Choctaw Nation and determined what Indians

had rights to lands, dispossessing those who had lands. These Indians had tried to register and supposed they were registered but were dispossed because Ward had neglected to put their names on his list.

- Q Did any of your ancestors go before these commissions? A No, sir.
- Q Did any of your ancestors receive scrip from the government which entitled them to locate on vacant land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress of August 23, 1842.

Reference is made to the name of Samuel McGee which appears on page 635 of Volume VII American State Papers Public Lands. The said Samuel McGee's name appearing in a deposition made by Grant Lincecum. This deposition stated that the said Samuel McGee attempted to register under article 14 of the treaty of 1830 and shows that his name was put on the list by Ward. Said deposition is on page 635 as aforesaid.

- Q Now the question is Mr. Edwards is the Samuel McGee whose name appears on page 635 as above quoted your ancestor who married Polly McGee? A It is the same one.
- Q How do you know it is the same one? A From family history.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Do you want to have your case consolidated with that of Nelson L. Lackey? A Yes, sir.

The case of Nelson L. Lackey is referred to for the purpose of consolidation H.O.R. 6757.

Examination by attorney:

- Q You claim that none of your ancestors claimed through article 14 of the treaty of 1830, yet you claim that John Jones was your great ancestor didn't you? A Yes, sir.
- Q and was your great grand-mother his daughter Polly? A Yes, sir.
- Q You stated that they claimed under that article - you made that statement? A Yes, sir.
- Q Do you know whether one or either of them complied or attempted to comply? Do you? A No, sir.

This applicant has the general appearance of being descended from negro parentage, he has some other blood but the Commission is unable to determine the kind or quantity, whether it is white or Choctaw. He claims through John Jones and Polly and Samuel McGee and states that John Jones is on Ward's register but has no other proof than family history and tradition. He also claims that the said John Jones his ancestor was a full blood Choctaw Indian.

6837-4

Reference is here made to Ward's list to the name of J John Jones and also his wife.

Applicant's father and mother as was also himself slaves at one time.

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Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 26 day of March 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 6837  
M.C.R. 6834

Muskogee, Indian Territory, April 2, 1903.

A.E. Jones,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter enclosing marriage certificate between L.A. Edwards and S.W. Lucy, offered for filing in support of the application of Lee A. Edwards for the identification of himself and minor children as Mississippi Choctaws; also certificate of A.P. Sparkman, Circuit Clerk of Pike County, Mississippi, to the destruction by fire of the county records of that county; offered for filing in support of the application made by Edward P. Brown for the identification of himself and minor children as Mississippi Choctaws; and the same have been filed with the records in these respective cases.

Respectfully,

Commissioner in Charge.



COPY.

M.C.R. 6837

Muskogee, Indian Territory, October 31, 1903.

Lee A. Edwards,

Clarksdale, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |             |
|-----------------------------|-------------|
| Samuel Nelson McGee,        | M.C.R. 6809 |
| Robert McGee, et al.,       | M.C.R. 7247 |
| Thomas McGee, et al.,       | M.C.R. 7248 |
| George McGee, et al.,       | M.C.R. 7249 |
| Truss McGee, et al.,        | M.C.R. 7299 |
| John McGee, et al.,         | M.C.R. 7300 |
| Effie D. Threet,            | M.C.R. 6839 |
| Alfred W. Walker, et al.,   | M.C.R. 6750 |
| Tom B. Walker, et al.,      | M.C.R. 6751 |
| John T. Walker, et al.,     | M.C.R. 6752 |
| James W. Walker, et al.,    | M.C.R. 6753 |
| George Walker,              | M.C.R. 6754 |
| Thomas W. Davis, et al.,    | M.C.R. 7200 |
| John M. Davis, et al.,      | M.C.R. 6832 |
| Nelson L. Lackey, et al.,   | M.C.R. 6757 |
| John W. Davis, et al.,      | M.C.R. 6833 |
| Isaac S. Watson, et al.,    | M.C.R. 6762 |
| Margaret McPherson, et al., | M.C.R. 6758 |
| James T. Strong, et al.,    | M.C.R. 6759 |
| Benjamin Franklin Fulton,   | M.C.R. 6835 |
| William A. Attaway,         | M.C.R. 6760 |
| Edward P. Brown, et al.,    | M.C.R. 6834 |
| James H. Moore, et al.,     | M.C.R. 6761 |
| Willis Perry, et al.,       | M.C.R. 6836 |
| Lee A. Edwards, et al.,     | M.C.R. 6837 |
| Lou Hayden, et al.,         | M.C.R. 6840 |



These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McGree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lissie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Hiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

L. A. E. - 3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*J. D. Neenan*  
Commissioner in Charge.

Registered.

Department of the Interior.  
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the case named below:

*MCR. 6837. Lee. A. Edwards et al*

*A. W. Jones*  
Agent for applicant.

M.C.R. 6837

Muskogee, Indian Territory, August 14, 1905.

Lee A. Edwards,

Clarksdale, Mississippi.

Dear Sir:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

6127

No.

2437

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 5 1901

Name Lee A. Edwards

Age 40

Blood

$\frac{3}{16}$

Post Office, Clarksdale, Miss.

Father: James Edwards, d

Mother: Mary Jane " l.

Claims through mother,  $\frac{3}{8}$  -

wife.

Sue A. Sands l

No claim for wife <sup>Ind. req.</sup>

Children:

James L. Edwards, 18

Lillie " 16

Claim for son

92 min

FOR IDENTIFICATION AS R. 6837  
A MISSISSIPPI CHOCTAW.

*Lee A. Edwards et al*

REFER TO M C R

(600)

Choctaw MCR 6838

Abner Johnson

MCR 6838

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Abner Johnson for identification as a Mississippi Choctaw, M.C.R. 6838.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

|                                                                                                                          | (Page) |
|--------------------------------------------------------------------------------------------------------------------------|--------|
| Original application of Abner Johnson to the<br>Dawes Commission for identification as a Mississippi Choctaw-----        | 1      |
| Decision of the Commission refusing the application of Abner Johnson for identification as<br>a Mississippi Choctaw----- | 5      |

---0---



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 6, 1903.

-----O-----

In the matter of the application of Abner Johnson for the identification of himself as a Mississippi Choctaw.

A. W. Jones attorney for applicant.

Abner Johnson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Abner Johnson.  
Q How old are you? A Fifty-six.  
Q What is your post office address? A Baird, Mississippi.  
Q How long have you lived there? A I have been living there about thirty years.  
Q Where were you born? A Noxford, Kx County, Mississippi.  
Q What is your father's name? A John Johnson?  
Q Is he living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was her name? A Mary Johnson.  
Q Through which parent do you claim? A Mother.  
Q How much do you claim? A I claim about 1/4.  
Q Was your mother one-half Choctaw? A Yes, sir.  
Q Was your father a slave once? A Yes, sir.  
Q And your mother? A Yes, sir.  
Q And you? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q What is her name? A Becky Johnson.  
Q She is living? A Yes, sir.  
Q What is her race white, colored or Indian? A Dark colored, she is Indian and colored.  
Q She is negro? A Yes, sir she is negro.  
Q Do you make any claim for her? A No, sir.  
Q How many children have you? A I have four all over twenty-one.  
Q You have no children under twenty-one? A Only those adopted.  
Q By legal adoption? A No, sir their parents died, and I took care of the children.  
Q You claim for yourself alone do you? A Alone yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to either the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.

- Q Do you come before the Commission to identify yourself as a Mississippi Choctaw? A Yes, sir.
- Q Do you understand article 14 of the treaty of 1830? A No, sir.

Article under which you are making your claim today was put into the treaty of 1830 for the benefit of the Choctaw Indians who lived in the old Choctaw Nation in 1830 and who refused to go to the Indian Territory under the treaty of 1830. The treaty of 1830 was made between the United States Government and the Choctaw Nation at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of the government in making this treaty was to remove them from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory but a great many Indians refused to go under the treaty and in order to protect their rights article 14 was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A Yes, sir, my grand-father.
- Q What was his name? A John Phillips.
- Q How much Choctaw blood did John Phillips have? A He was a whole.
- Q Did your grand-father John Phillips live in Mississippi or Alabama at any time? A Yes, sir, in Mississippi.
- Q Where in Mississippi? A Mississippi.
- Q Did he live there in 1830 and have a family there then? A I don't know.
- Q Was he head of a family in Mississippi in 1830? A From the records of my parents they teach me that he did.
- Q Did he within six months after the treaty of 1830 was ratified go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi take land there and become citizens of the states? A Yes, sir I have heard that.

- Q Did he register under Colonel Ward? A Yes, sir, I think so.
- Q Did he have his name put on Ward's register list? A I don't know.
- Q Did he or any ancestor of yours having Choctaw blood live in Mississippi or Alabama land which they received from the government and after living on same for five years get a patent from the government for that land? A No, sir I never heard that they did.
- Q Did any of your Choctaw ancestors claim any land in that old Choctaw Nation under article 14 of the treaty of 1830? A No, sir.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years of 1833 and 1838? A No, sir, I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of them own any improvements in the old Choctaw Nation in 1830? A I don't know.

In 1837 and also in 1842 commissions were appointed under various acts of Congress, one on March 3, 1847 and the other on August 23, 1842, which commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These commissions were appointed by Congress because of the complaints made by Choctaw Indians who claimed that they had tried to register under article 14 of the treaty of 1830 within six months after the ratification of said treaty but that Colonel Ward had refused to allow them to register their names and their land had been taken from them by the government and sold.

- Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed benefits under article 14 of that treaty? A Yes, sir, I think I heard my parents talk about something like that.
- Q Before which commission did they go? A I don't know.
- Q Who went before either of these two commissions - do you remember? A My grand-father.
- Q He went before one? A Yes, sir.
- Q Which one? A My great grandfather.
- Q Who was he? A John Phillips.
- Q You said he was your grandfather - that is the one you named? A Yes, sir.
- Q You don't know any thing about that do you? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama or Arkansas? A I don't know.
- Q Do you know what this scrip was? A No, sir.

They were legal papers, we will call them certificates, and whoever received any of these certificates from the government might select land in either Mississippi, Alabama, Arkansas or Louisiana to take the place of land which they once held in

6838-4

the Old Choctaw Nation and which the Government had taken from them and sold.

- Q Did you ever hear that any of your Choctaw ancestors complied or attempted to comply with article 14 in any way? A I have heard that.
- Q You don't know anything about it except from family tradition? A No, sir.
- Q Do you understand or speak the Choctaw language? A Yes, sir.

This applicant will be allowed up to and inclusive of the 24th day of March 1903 for the introduction of other proof in this case if he so desires.

This applicant has the physical appearance and characteristics of being descended from mixed ancestors, says he has no white blood; the negro characteristics are marked, he has some other blood mixed with the negro, which he claims to be Choctaw; he has no knowledge of the Choctaw language. he and his parents were slaves at one time.

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Chas. Diffendaffer being first duly sworn states that as Stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 26 day of March 1903.

*Charles H. Sawyer*

Notary Public.

BY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

In the matter of the application of Abner Johnson, for  
identification as a Mississippi Choctaw, M.C.R. 6838.

---: D E C I S I O N :---

It appears from the record herein that an application for  
identification as a Mississippi Choctaw was made to this Commission  
by Abner Johnson for himself, under the following provision of the  
act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

It also appears that said applicant claims rights in the  
Choctaw lands under article fourteen of the treaty between the  
United States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, by reason of being a descend-

ant of John Phillips, who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder that the said John Phillips, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Abner Johnson, as a Choctaw Indian entitled to rights in the Choctaw lands



under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Tams Dixby.*

Chairman.

(SIGNED)

*I. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory

AUG 4 1903

COPY.

Muskogee, Indian Territory, August 4, 1903.

Abner Johnson,

Baird, Mississippi.

Dear Sir:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Abner Johnson an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Abner Johnson, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this



A. J. 2

office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Register.

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.

COPY.

A. M. Jones, Agent,  
Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Abner Johnson an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Abner Johnson, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to

A W J 2

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*I. B. Needles.*  
Commissioner in Charge.

Register.

Muskogee, Indian Territory, August 4, 1903.

Hansfield, McHenry & Corrish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Abner Johnson an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Court that the evidence herein is insufficient to determine the identity of Abner Johnson, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for identification as such should be refused, and it is so ordered."

You are further advised that the Commission to the Five Civilized Tribes has been allowed fifteen days from the date of this decision to file arguments in this office, and that at the expiration of said time the papers in the case together with all arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

J. D. Medley  
Commissioner in Charge.

Muskogee, Indian Territory, August 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Abner Johnson, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of August 4, 1903.

The Commission has the honor to report that the applicant herein, his agent, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner of Indian Affairs.  
2 Enc. M.C.R. 6838

*T. D. Needles*  
Commissioner in Charge.

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON,

Oct. 30, 1903.

Land.  
54,349-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Abner Johnson for identification as a Mississippi Choctaw, wherein a decision rejecting him was entered by the commission on August 4, 1903.

The record in this case shows that the applicant bases his claim to a right to identification on his descent from John Phillips who is alleged to have been a citizen of the Choctaw Nation in 1830 and to have complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of that year:

The Commission rejected the applicant for the reason that an examination of its records failed to show that John Phillips did comply with the provisions of the 14th article of the Choctaw treaty or received any benefits thereunder.

An examination of the records of this office has been made with reference to the name of Abner Johnson and it is discovered that his ancestor, John Phillips, was not one of the Choctaw Indians who received land or scrip in lieu of land in pursuance of the provisions of the Choctaw treaty of 1830.

I therefore recommend that the decision of the commission rejecting the applicant be approved.

Very respectfully,

(E.B.H.)P.

W. A. Jones,  
Commissioner.

(COPY).

W.H.F.  
F.H.E.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

November 19, 1903.

D.C. 32645.  
I.T.D. 7790-1903.  
L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:-

August 20, 1903, you transmitted the case involving the application of Abner Johnson for identification as a Mississippi Choctaw, including your decision of August 4, 1903, refusing to identify him as such.

The applicant bases his claim to a right to identification as a Mississippi Choctaw on his descent from John Phillips, who was his grandfather, and who is alleged to have been a citizen of the Choctaw Nation in 1830, and to have complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. The applicants states that he can speak the Choctaw language. ✓

The evidence furnished by the record is insufficient to show that said John Phillips complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or the subsequent acts of Congress relating thereto.



The applicant was allowed fifteen days within which to introduce other proof in the case if he so desired. The records fails to show that any attempt was made by the applicant during said time, to produce further evidence in his behalf.

The records of the Indian Office fail to show that said John Phillips complied or attempted to comply with the provisions of article 14<sup>of</sup> the treaty of 1830, or the subsequent acts of Congress relating thereto.

Reporting in the matter October 30, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the applicant be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

M.C.R. 6838.

COPY.

Muskogee, Indian Territory. December 3, 1903.

Abner Johnson,

Baird, Mississippi.

Dear Sir:-

You are hereby notified that on the 19th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

*Tamie Birby*  
Chairman.

COPY.

P.O.R. 6838.

Muskogee, Indian Territory. December 3, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw & Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 19th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Abner Johnson, of which decision you were advised by mail on the 4th day of August, 1903.

Respectfully,

*James D. Kirby*  
Chairman.

M.C.R. 6636.

BY.

Muskogee, Indian Territory. December 3, 1903.

A. W. Jones,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 19th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Abner Johnson, of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

*Tams Dixby.*  
Chairman.

6538

No.

1894

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 6 1903

Name Abner Johnson

Age 56

Blood 1/4

Post Office, Baird, Miss.

Father: John Johnson, d.

Mother: Mary " , d

Claims through mother 1/2  
wife.

Betsy Johnson, l. neg.  
No claim for wife.

Children:

Claims for self  
alone.

Signature of the claimant.

Alber Johnson

Choctaw MQR 6839

Effie D. Threest

MQR 6839

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I. T. March 6, 1903.

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In the matter of the application of Effie D. Threet for the identification of herself as a Mississippi Choctaw.

A. W. Jones attorney for applicant.

Effie D. Threet being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Effie D. Threet.  
Q What is your age? A Twenty-one.  
Q What is your post office address? A Okolona, Mississippi.  
Q How long have you lived there? A All my life.  
Q Is your father living? A He is not.  
Q Is your mother living? A She is.  
Q What was your father's name? A George Threet.  
Q What is your mother's name? A Her present name is Mary Dixon.  
Q Do you claim through your father or mother? A Through my mother.  
Q How much Choctaw blood do you claim? A About 1/16.  
Q Was your mother one-fourth Choctaw? A Yes, sir.  
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States Court in Indian Territory? A She has not.  
Q You claim for yourself alone do you? A Yes, sir.  
Q You are not married? A Not married.  
Q Were your parents slaves at any time? A They were.  
Q Both of them? A Both slaves.  
Q And were liberated by the act of Emancipation? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A It is not.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress approved June 10, 1896? A I have not.  
Q Have you ever been admitted to citizenship in the Choctaw Nation or been enrolled in the Choctaw Nation by any authority whatever up to the present time? A I have not.  
Q Do you come before the Commission to be identified as a Mississippi Choctaw? A I do.  
Q Do you claim under article 14 of the treaty of 1830? A I do.  
Q Do you understand that article? A I do in part.  
Q You know what a treaty is don't you? A Yes, sir.  
Q And you know what an article is? A Yes, sir.

In 1830 a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year.



The object of this treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many would refuse to go to the Choctaw Nation under the treaty. Article fourteen was put into the treaty to protect their rights. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now that is article 14 of the treaty of 1830 which you have heard read and explained. Do you know if any of your Choctaw ancestors complied or attempted to comply with that article? A Through our family tradition I have heard that they did.
- Q What is the name of your Choctaw ancestor that you claim your right to identification as a Mississippi Choctaw now? A Polly and Samuel McGee, my great great grand parents.
- Q Was Samuel McGee your great great grand-father? A Yes, sir.
- Q And Polly was your great great grand-mother? A Yes, sir.
- Q Were they both possessed of Choctaw blood or what was their Choctaw blood? A I have heard that Polly was full blood and Samuel one-half.
- Q What was Polly's father's name? A John Jones.
- Q How much Choctaw blood did John Jones have? A I have heard he was a full blood Indian.
- Q Did any of your Choctaw ancestors live in Mississippi or Alabama in 1830 and have a family living there then? A I don't know.
- Q Have you ever hear that John Jones lived wither in Mississippi or Alabama? A I have.
- Q Where did he live? A I heard he lived in Sumpter County Ala.
- Q Did he live there in 1830? A I have heard he did.
- Q Did he have a family living there then? A I don't know.
- Q Did Samuel or his wife Sally live there there in 1830 and have a family? A I don't know.
- Q Were they married there then? A No, sir.
- Q Did John Jones or Samuel or his wife Polly McGee claim any rights under article 14 of the treaty of 1830 by going to Colonel Ward within six months after the treaty was ratified and attempt to register under that article? A I understand they did Polly and Samuel.

- Q How about John Jones? A He was my great great grand-father.
- Q Did any of these ancestors live on land in the old Choctaw Nation for five years and at the end of that time get a deed or patent from the government under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors claim any rights in the old Choctaw Nation under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory between the years 1833 and 1838 with the other Indians at the expense of the government? A I have not heard that they did.
- Q Did any of them own any improvements in the old Choctaw Nation in 1830? A I don't know that they did.
- Q Did any of them go before a commission in 1830 or 1842 and claim any benefits under article fourteen of the treaty of 1830? A I never heard that they did.

These commissions were appointed under different act of congress to hear claimants of Choctaw Indians who claimed that they had registered or attempted to register under article fourteen but had been refused or prevented from registering by Colonel Ward, the United States Indian Agent, and because he did not allow their names to be put on his list the government took their land from them and sold it.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land wither in Mississippi, Alabama, Louisiana or Arkansas? A I never heard that they did.

This scrip was issued by an act of Congress of August 23, 1842 and was given to those Choctaw Indians who proved that their land had been taken from them by the government and sold.

- Q You claim through your mother Mary Nixon and she claimed through whom? A Her mother.
- Q And she claimed through whom? A Lottie E. Walker.
- Q And she claimed through which parent? A Through her mother.
- Q What was her name? A Annie McGee.
- Q She claimed through whom? A Through her mother and father Polly and Samuel McGee.
- Q And John Jones was the father of Polly McGee? A Yes, sir.
- Q Now on page 18 of Volume I of the Choctaw Nation vs the United States is a list known as Ward's register. This list purports to be a copy of the original made by Ward and on that list is the name of a person named John Jones and it is said that the John Jones whose name is on that list is a beneficiary under the treaty of 1830. Do you know that to be your great great grandfather? A I believe it to be.

6839-4

- Q And he was a full blood Choctaw Indian? A Yes, sir.  
Q Do you know how many children he had who were minors at that time?  
A I do not.

Reference is here made to page 18 Volume I of the Choctaw Nation vs. the United States which contains what purports to be a copy of ward's register, and which contains the name of John Jones who was a claimant under article fourteen. A Attention is called to the description of the said John Jones given under the head of General Remarks.

- Q Do you know anything about John Jones's wife? A I don't know.  
Q You never heard anything about his wife? A No, sir.  
Q You don't make any claim through her? A No, sir.

In Volume VII American State Papers Public Lands on page 638 in a deposition made by Grant Lincoln appears the name of Samuel McGee. This Samuel McGee seems to have been a Choctaw Indian who tried to register under colonel Ward under article 14 of the treaty of 1830.

- Q Do you know whether that Samuel McGee is your great great grandfather? A I believe it to be.  
Q You are not able to give any testimony in regard to him? A No, sir.  
Q Do you speak or understand the Choctaw language? A I do not.

The applicant will be allowed up to and inclusive of the 24th day of March 1903 for the introduction of other proof in this case if he so desires.

- Q Is Nelson L. Lackey a relative of yours? A Cousin.  
Q He has been before the Commission, do you want to have your case referred to his? A Yes, sir.

The case of Nelson L. Lackey H.C.R. 6757 is here referred to for the purpose of consolidation. Also the case of Alfred H. Walker H.C.R. 6750.

- Q Do you know when Alfred H. Walker came before the Commission?  
A Yes, sir.  
Q When was it? A It was in February - I don't know the exact date.  
Q 1903 was it? A Yes, sir.

This applicant has the physical characteristics and appearance of being descended from negro parentage, her parents were slaves at one time; she has no knowledge of a compliance or attempted compliance on the part of her ancestors except from family history and tradition.

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Chas. Diffendaffer, being first duly sworn states that

6839-5

as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken on March 6, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 26 day of March 1903.

*Charles H. Sawyer*

Notary Public.

COPY.

M.C.R. 6839

Muskogee, Indian Territory, October 31, 1903.

Effie D. Threet,

Okolona, Mississippi,

Dear Madam:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |             |
|-----------------------------|-------------|
| Samuel Nelson McGee,        | M.C.R. 6809 |
| Robert McGee, et al.,       | M.C.R. 7247 |
| Thomas McGee, et al.,       | M.C.R. 7248 |
| George McGee, et al.,       | M.C.R. 7249 |
| Truss McGee, et al.,        | M.C.R. 7299 |
| John McGee, et al.,         | M.C.R. 7300 |
| Effie D. Threet,            | M.C.R. 6839 |
| Alfred H. Walker, et al.,   | M.C.R. 6750 |
| Tom B. Walker, et al.,      | M.C.R. 6751 |
| John T. Walker, et al.,     | M.C.R. 6752 |
| James W. Walker, et al.,    | M.C.R. 6753 |
| George Walker,              | M.C.R. 6754 |
| Thomas W. Davis, et al.,    | M.C.R. 7200 |
| John M. Davis, et al.,      | M.C.R. 6832 |
| Nelson L. Lackey, et al.,   | M.C.R. 6757 |
| John W. Davis, et al.,      | M.C.R. 6833 |
| Isaac S. Watson, et al.,    | M.C.R. 6762 |
| Margaret McPherson, et al., | M.C.R. 6758 |
| James T. Strong, et al.,    | M.C.R. 6759 |
| Benjamin Franklin Fulton,   | M.C.R. 6835 |
| William A. Attaway,         | M.C.R. 6760 |
| Edward P. Brown, et al.,    | M.C.R. 6834 |
| James H. Moore, et al.,     | M.C.R. 6761 |
| Willis Perry, et al.,       | M.C.R. 6836 |
| Lee A. Edwards, et al.,     | M.C.R. 6837 |
| Lou Hayden, et al.,         | M.C.R. 6840 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Willie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threet, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Wata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willis B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McGee, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James W. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Lillie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Wiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M. D. T. - 3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*T. E. Needles.*  
Commissioner in Charge.

Registered.



Department of the Interior.  
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes one  
copy of the testimony in the case below named:

*Mex. 6839. Effie D. Thrust.*

*A. W. Jones*  
Agent for applicants.



M.C.R. 8839

Muskogee, Indian Territory, August 14, 1905.

Effie D. Threet,

Okolona, Mississippi,

Dear Madam:

You are hereby notified that the Secretary of the Interior under date of August 3, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

6629

No. 6839

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 6 1903

Name Effie R. Threet,

Age 21

Blood

1/16

Post Office, Okolona, Miss.

Father: George Threet,

d

Mother: Mary ~~Threet~~ Dixon

l

Claims through mother 78

~~Children:~~

Claims for self  
alone.

Signature of the applicant.

Effe. D. Threel.

ACTION APPROVED BY

RECEIVED

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6063

Choctaw MCR 6840

Lou Hayden

MCR 6840

6840

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 6, 1903.

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In the matter of the application of Lou Hayden for the identification of herself and her four minor children, Mary A., Lucy, Hiram and Henry Clark as Mississippi Choctaws.

A. W. Jones attorney for applicants.

Lou Hayden being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Lou Hayden.  
Q How old are you? A Thirty-five.  
Q What is your post office address? A Greenwood, Mississippi.  
Q How long have you lived there? A Twenty years.  
Q Were you born in Mississippi? A Yes, sir.  
Q Have you always lived in Mississippi? A Yes, sir.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Randall Young.  
Q And your mother's name? A Mary Young.  
Q Through which parent to you claim your Choctaw blood? A Polly and Samuel McGee.  
Q Through which parent? A My mother.  
Q How much Choctaw blood do you claim? A About three-sixteenths.  
Q Do you claim your mother was three-eighths Choctaw? A Yes, sir.  
Q Has she been recognized or enrolled as a Choctaw Indian by any authority whatever in the Indian Territory? A Not that I know of.  
Q Were your parents slaves at one time? A Yes, sir.  
Q Is your husband living? A Yes, sir.  
Q What is your husband's name? A Ed Hayden.  
Q Is he a colored man? A Yes, sir.  
Q You don't make any claim for him do you? A No, sir.  
Q Now give the names of your children? A Mary A. Clark.  
Q How old? A Fourteen years old.  
Q Have you been married more than once? A Yes, sir I have been married before.  
Q Is this child by your first husband? A Yes, sir.  
Q Ed Hayden is your second? A Yes, sir.  
Q What was the name of your first husband? A Eli Clark.  
Q Is he dead? A Yes, sir.  
Q Was he a colored man? A Yes, sir.  
Q Mary is your child by your first husband Eli Clark? A Yes, sir.  
Q Have you any other children by your first husband? A Lucy Clark.  
Q How old is Lucy? A Twelve.  
Q Is that all the children by Eli Clark? A They are all by him.  
Q What is the name of the next? A Hiram Clark.  
Q How old is Hiram? A Ten.

- Q The next? A Henry, eight years old.  
 Q Is that all? A Yes, sir.  
 Q These are all your children by your first husband? A Yes, sir.  
 Q You claim for yourself and these four children do you? A Yes, sir.  
 Q Are these children living with you at your home? A Yes, sir.  
 Q And are you now living with your husband Ed Hayden as husband and wife? A Yes, sir.  
 Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation? A No, sir.  
 Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory, with your children? A No, sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to either the Choctaw tribal authorities or the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
 Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes, sir.  
 Q Do you claim under article 14 of the treaty of 1830? A Yes, sir.

That article was put into the treaty for the protection of Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified. The treaty itself was made between the government of the United States and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory under the treaty. It was necessary to make some provision for those Choctaw Indians who remained back in the old Choctaw Nation and it was done by putting article 14 into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor or ancestors through whom you claim your right to be identified as a Mississippi Choctaw?  
 A Polly and Samuel McGee.

- Q Were they both Choctaw Indians? How much Choctaw blood did Samuel have? A I have heard he was one-half.
- Q And Polly? Whole Indian.
- Q Did you ever hear anything about Polly's father - what his name was? A John Jones.
- Q How much Choctaw blood did John Jones have? A John Jones was a full blood.
- Q What relation was John Jones to you? A John Jones was my great great grandfather.
- Q And Polly was what relation? A Great grandmother.
- Q And Samuel was your great grandfather? A Yes, sir.
- Q Did these ancestors live in Mississippi or Alabama in 1830 and have families there at that time? A I don't remember.
- Q Did any of your Choctaw ancestors go to Colonel Ward within six months after the treaty was ratified and register or attempt to register under article 14 of the treaty of 1830? Or don't you know? A I don't remember.
- Q Did any of your ancestors live on land in the old Choctaw Nation for five years and then get a patent from the government? A Not that I know of.
- Q Did any go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't remember.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A Not that I know of.
- Q You say your parents were slaves was your father's mother a slave and his father? A Yes, sir, I think.
- Q Were the parents of your mother Mary Young slaves at one time or don't you know? A I don't remember.
- Q Did any of your Choctaw ancestors go before a Commission in 1837 or a Commission in 1842 claiming rights or benefits under article 14 of that treaty of 1830, do you know? A I don't remember.
- Q These commissions were appointed to hear the claims of Choctaw Indians who went before Colonel Ward and tried to register before him but were refused. Did any of your ancestors go before either of these commissions? A I think Polly and Samuel McGee did.
- Q Went before which commission? A I don't remember.
- Q You don't know whether the Commission of 1837 or 1842? A No, sir.
- Q You really don't know whether they went before either do you? A I don't know exactly.
- Q What you remember is that it has been said that some of them went before some authority and tried to register as Indians? A Yes, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842 and was given to Choctaw Indians who proved their right under article 14 of the treaty of 1830, and also proved that their land in the old Choctaw Nation had been taken from them and sold by the government.

6840 -4

Q Is Nelson L. Lackey a relative of yours? A Yes, sir  
Q And is Alfred H. Walker? A Yes, sir.

Reference is made to the application of Nelson L./  
Lackey M.C.R. 6757 also to Alfred H. Walker M.C.R. 6750, these  
being relatives of this applicant and claim through the same  
ancestors.

This applicant is allowed up to and inclusive of the 24  
th day of March 1903 for the introduction of further proof in  
this case.

The applicant has the appearance of being descended  
from negro parentage, she has some other blood which she claims  
to be Choctaw. She has no knowledge of the Choctaw language.  
her parents were slaves at one time; she has no knowledge of a  
compliance on the part of her ancestors with any of the provisions  
of the treaty of 1830.

Q Are you related to Effie D. Threest? A Yes, sir.  
Q What relation? A Cousins.

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Chas. Diffendaffer being first duly sworn states that as  
stenographer to the Commission to the Five Civilized Tribes he  
reported the proceedings had in the above entitled cause on March 6,  
1903, and that the foregoing is a full true and correct transcript  
of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer.*

Subscribed and sworn to before me this 26 day of March 1903.

*Charles H. Sawyer*  
Notary Public.



COPY.

M.C.R. 6840

Muskogee, Indian Territory, October 31, 1903.

Lou Hayden,

Greenwood, Mississippi,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel Nelson McGee, et al., embracing the following applications for identification as Mississippi Choctaws:

|                             |             |
|-----------------------------|-------------|
| Samuel Nelson McGee,        | M.C.R. 6809 |
| Robert McGee, et al.,       | M.C.R. 7247 |
| Thomas McGee, et al.,       | M.C.R. 7248 |
| George McGee, et al.,       | M.C.R. 7249 |
| Truss McGee, et al.,        | M.C.R. 7299 |
| John McGee, et al.,         | M.C.R. 7300 |
| Effie D. Threet,            | M.C.R. 6839 |
| Alfred H. Walker, et al.,   | M.C.R. 6750 |
| Tom B. Walker, et al.,      | M.C.R. 6751 |
| John T. Walker, et al.,     | M.C.R. 6752 |
| James W. Walker, et al.,    | M.C.R. 6753 |
| George Walker,              | M.C.R. 6754 |
| Thomas W. Davis, et al.,    | M.C.R. 7200 |
| John M. Davis, et al.,      | M.C.R. 6832 |
| Nelson L. Lackey, et al.,   | M.C.R. 6757 |
| John W. Davis, et al.,      | M.C.R. 6833 |
| Isaac S. Watson, et al.,    | M.C.R. 6762 |
| Margaret McPherson, et al., | M.C.R. 6758 |
| James T. Strong, et al.,    | M.C.R. 6759 |
| Benjamin Franklin Fulton,   | M.C.R. 6838 |
| William A. Attaway,         | M.C.R. 6760 |
| Edward P. Brown, et al.,    | M.C.R. 6834 |
| James H. Moore, et al.,     | M.C.R. 6761 |
| Willis Perry, et al.,       | M.C.R. 6836 |
| Lee A. Edwards, et al.,     | M.C.R. 6837 |
| Lou Hayden, et al.,         | M.C.R. 6840 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel Nelson McGee, Robert McGee, Aaron McGee, Birdie McGee, Odell McGee, Ida McGee, Lena McGee, Georgie McGee, Thomas McGee, Minnie McGee, Walter McGee, Rhoda McGee, Rella McGee, Jim McGee, George McGee, Jesse McGee, Rosa McGee, Robert McGee (2), Maria McGee, Millie McGee, Truss McGee, Charlie McGee, Johnnie McGee, Carrie Lee McGee, Inez McGee, Josie McGee, John McGee, Donnie B. McGee, Thomas McGee, Daisy McGee, Effie D. Threest, Alfred H. Walker, Joe R. Walker, Alfred Hector Walker, Katie U. Walker, Alice L. Walker, Tom H. Walker, Mata L. Walker, John T. Walker, Tom B. Walker, Idella Walker, Josie Walker, Margie Walker, Willie B. Walker, John T. Walker (2), Tommie Walker, Sarah Walker, Irene G. Walker, Earl L. Walker, James W. Walker, Daisy Walker, Robert Walker, George Walker, Thomas W. Davis, Emma E. Davis, Weston M. Davis, Warren W. Davis, John M. Davis, Chauncey Davis, Mary M. Davis, Nelson L. Lackey, Adlena P. Lackey, Christopher C. Lackey, Eddie B. Lackey, John W. Davis, Maria L. Davis, Matilda Davis, Isaac S. Watson, Wilson Watson, Caroline Watson, Margaret McPherson, Sam McCree, James T. Strong, Clarence J. Strong, Signora Strong, Benjamin Franklin Fulton, William A. Attaway, Edward P. Brown, Daisy E. Brown, Everson W. Brown, Noel P. Brown, Earl N. Brown, James H. Moore, William H. Moore, Annie Moore, Mary Lizzie Moore, Maggie A. Moore, Willis Perry, Monroe Perry, Robertson Perry, Page Perry, Willis Perry (2), Lee A. Edwards, James L. Edwards, Millie Edwards, Lou Hayden, Mary A. Clark, Lucy Clark, Wiram Clark and Henry Clark, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

L. H. - 3

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

*T. B. Needles.*

Commissioner in Charge.

Registered.

Department of the Interior.  
Commission to the Five Civilized Tribes.

Muskogee, Indian Territory, November 9, 1903.

Received of the Commission to the Five Civilized Tribes  
one copy of the testimony in the case named below:

6846. MCR. Lou Hayden et al

*A. W. Jones*  
Agent for applicant.

M.C.R. 6840

Muskogee, Indian Territory, August 14, 1905.

Lou Hayden,

Greenwood, Mississippi.

Dear Madam:

You are hereby notified that on the 3rd day of August, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Samuel Nelson McGee et al., of which decision you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

Acting Commissioner.

6540

No. 840

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 6 1903

Name Lou Hayden

Age 35 — Blood  $\frac{3}{16}$

Post Office, Greenwood, Miss.

Father: Randall Young, d.

Mother: Mary " d.

Claims through mother  $\frac{3}{8}$

Husband. (2)

Ed Hayden, l. col.

No claim for husband  
1st: Eli Clark, d, col.  
Children:

|                |    |
|----------------|----|
| Mary A. Clark, | 14 |
| Lucy           | 12 |
| Kiarn          | 10 |
| Kenny          | 8  |

Claims for self  
and 4 minor

Signature: Chas. [illegible]

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Lou Hayden et al*

AUG 11 1905

15

REFER TO M. C. R.

6809

Choctaw MCR 6841

Alice Davis

MCR 6841



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 6, 1903.

6841

In the matter of the application of Alice Davis for the identification of herself and her two minor children, Henry and Nellie Harvey, as Mississippi Choctaws.

A.S. McRae, attorney for applicant:

Alice Davis being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Alice Davis.  
Q What is your age? A I don't know.  
Q What is your post office address? A Hollywood, Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q How long have you lived in Hollywood? A All my life.  
Q Is your father living? A No sir.  
Q Is your mother living? A No sir.  
Q What was your father's name? A John Ferguson.  
Q What was your mother's name? A Eliza Ferguson.  
Q Was your brother John Ferguson been before the Commission?  
A Yes sir.  
Q He came before the Commission July 5, 1902, didn't he? A Yes sir.  
Q How old are you; you have got to tell now or else say you don't know; what's the matter with you? A It done slipped my memory--- (someone tells her twenty-nine)-- that's it; twenty nine, I am.  
Q Are you sure you are twenty nine; you will swear to that? A Yes sir.  
Q Through which parent do you claim Choctaw blood? A Father.  
Q How much do you claim? A A quarter.  
Q Was your father one half Choctaw? A Full-- one fourth.  
Q Well, you claim one fourth; are you one half of what your father was? A Yes sir.  
Q Well, if you are a quarter he would be a half? A Yes sir.  
Q Do you claim your father was a half? A Yes sir.  
Q Were your parents slaves at one time? A I don't know sir.  
Q Did you ever hear that either of them were slaves? A Yes sir.  
Q You heard they were? A Yes sir.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q Is he a white man or a negro? A Negro.

- Q What is his name? A James Davis.
- Q Do you make any claim for him? A No sir.
- Q Was your father ever been recognized or enrolled as a Choctaw Indian by any authority whatever in the Indian Territory?
- A No sir.
- Q What is the name of your oldest child? A Henry Harvey.
- Q Was his father's name Harvey? A Yes sir.
- Q Is James Davis your first or second husband? A Second husband.
- Q Have you any children by James Davis? A No sir.
- Q How many children have you? A Two.
- Q Are they both Harveys? A Yes sir.
- Q How old is Henry? A Five years old.
- Q What is the name of the next child? A Nellie.
- Q How old is Nellie? A She's two going on three.
- Q That's all the children you have? A Yes sir.
- Q What is the name of the father of these two children? A Henry Harvey.
- Q Is he living? A Yes sir.
- Q Were you divorced from him or was he divorced from you? A He is dead.
- Q You said he was living, now you state he is dead. A I said he was dead.
- Q Was he a negro? A Yes sir.
- Q You have no children then, by your husband James Davis who is now living? A No sir.
- Q How long has Henry Harvey your first husband been dead? A One year.
- Q You claim for yourself and these two children, do you? A Yes sir.
- Q When were you married to your first husband, Henry Harvey?
- A I don't know exactly now.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to either the Choctaw tribal authorities in the Indian Territory, or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Is this your first application for citizenship rights in the Choctaw Nation for yourself and children made before any authority?
- A Yes sir.
- Q Do you come before the Commission now to identify yourself and children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at Dancing Rabbit Creek in Mississippi on the 27th day of September 1830. The object was to remove the Choctaw Indians from the old Choctaw Nation to the Choctaw Nation, Indian Territory; some of the Indians refused to go and to protect their rights article fourteen was put into the treaty of 1830. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by

sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor that you claim through now?  
Grandfather or mother or who? A My dad.
- Q Can you go back any farther than your father; do you know who his father or mother was? A My father's father was.
- Q Was what? What was his name? I want you to talk and I want you to talk a little more rapidly than you do; if you know, say so, if you don't, say you don't. Do you know your father's father's name? A No sir.
- Q Do you know your father's mother's name? A No sir.
- Q What was your father's name? A John Ferguson.
- Q How much Choctaw blood did he have? A What, my father?
- Q Yes. A Quarter.
- Q Well, you claimed a quarter a little while ago. A (Applicant, prompted by attorney, says one half.)
- Q Do you know anything about your father's father or mother? A No sir.
- Q And you don't know their names? A No sir.
- Q How old would your father, John Ferguson, be if living now? Do you know? A (No answer.)
- Q Can you give the name of any Choctaw ancestor who lived in Mississippi or Alabama in 1830 and was he ad of a family there then? No answer.
- Q Did John Ferguson live in Mississippi or Alabama in 1830 and was he the head of a family there then? A Yes sir.
- Q Did he go to Col. Ward within six months after the ratification of the treaty of 1830 and register or attempt to register under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did he live on land in the old Choctaw nation for five years after the treaty of 1830 was ratified and then get a patent from the Government for that land? A I don't know sir.
- Q Did he claim any land in that old Choctaw nation under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did he or any Choctaw ancestor of yours go from that old Choctaw Nation East of the Mississippi River to the Choctaw nation Indian Territory with the other Indians between 1833 to 1838 or 1840? (Attorney tells applicant: "Just answer you don't know if you don't.")
- A No sir.
- Q Did they go at any other time between the ratification of the treaty of 1830 and the date of this application made by you today?
- A I don't know sir.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A No sir.

Q Did any of your Choctaw ancestors go before a Commission in 1837 or a Commission in 1842 and claim any benefits under article fourteen of the treaty of 1830? (Attorney says: "Must answer you don't know, if you don't.") A I don't know sir.

These Commissions were appointed because of the complaints of Choctaw Indians that they were refused registration and because they were refused by Col. Ware their land had been taken from them by the Government and sold at Public Land Sale.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act of Congress approved August 24, 1842, and was issued to those Choctaw Indians who proved that they had rights under article fourteen of the treaty of 1830 and also that their land had been taken from them in the old Choctaw Nation and sold. Do you speak or understand the Choctaw language? A No sir.

Q Do you want to have your case considered under the application of your brother, John Ferguson who made an application for identification in Mississippi Choctaw July 5, 1902? A Yes sir.

The case of John Ferguson et al., M.D.R. 5998, is referred to for the purpose of consolidation.

This applicant is allowed to and including the 24th day of March, 1903, to introduce other proof if she desires to do so.

(To attorney for applicant:) Any questions? A I will just state that we have already submitted our proof in the case of John Ferguson and wont submit any more.)

This applicant has the appearance of being descended from negro parentage; she does not understand the Choctaw language and has no knowledge of the compliance of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above March 6, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains.

Subscribed and sworn to before me this 21 day of March, 1903.

Charles H. Sawyer

Notary Public.

M.C.R. 6841

COPY

Muskogee, Indian Territory, April 7, 1904.

Alice Davis,

Hollywood, Mississippi,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Giles Ferguson et al., including you and your children, Henry Harvey and Nellie Harvey.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Commissioner in Charge.

Registered.

COPY: M.C.R. 6841

Muskogee, Indian Territory, June 23, 1904.

Alice Davis,

Hollywood, Mississippi,

Dear Madam:

You are hereby notified that on the 14th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Giles Ferguson et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

*F. B. Needles.*

Commissioner in Charge.

6841

No. 6841

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 6 1903

Name Alice Davis.

Age — 29. Blood 1/4

Post Office, Hollywood, Miss.

Father: John Ferguson, d

Mother: Eliza " d

Claims through father 1/2

Husband, <sup>2<sup>nd</sup></sup> —

James Davis, l. neg.

No claim for husband

Children:

Henry Harvey, 5

Nellie " 2

F. Henry Harvey d. neg.  
(1<sup>st</sup>-husband of applicant)Claims for neg  
and 2 minors

Monographs H. L. Davis.

REFUSED

FOR IDENTIFICATION AS R. 6841  
A MISSISSIPPI CHOCTAW.

*Miss Davis et al*

N

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

JUN 23 1904

DAY

REFUSED

REFUSED



Choctaw MCR 6842

Giles Ferguson

MCR 6842

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Giles Ferguson, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

|                         |             |
|-------------------------|-------------|
| Giles Ferguson, et al., | M.C.R. 6842 |
| Alice Davis, et al.,    | M.C.R. 6841 |

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above consolidated case.

|                                                                                                                                                                  | (Page) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Original application of Giles Ferguson, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws-----                                    | 1      |
| Original application of Alice Davis, et al.,<br>to the Dawes Commission for identification<br>as Mississippi Choctaws-----                                       | 5      |
| Decision of the Commission refusing the applica-<br>tions in the consolidated case of Giles Ferguson,<br>et al., for identification as Mississippi Choctaws ---- | 9      |

-oOo-

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 8, 1903.

6842

In the matter of the application of Giles Ferguson for the identification of himself and his two minor children, Candis and Cash Ferguson, as Mississippi Choctaws.

A.D. McRae, for applicants:

Giles Ferguson being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Giles Ferguson.  
Q What is your age? A Thirty two.  
Q What is your post office address? A Hollywood, Mississippi.  
Q How long have you lived there? A All my life.  
Q Is your father living? A No sir.  
Q Is your mother? A No sir.  
Q What was your father's name? A John Ferguson.  
Q What was your mother's name? A Eliza Ferguson.  
Q Do you claim through your father or mother? A Father.  
Q How much Choctaw blood do you claim? A A fourth.  
Q Was your father half Choctaw? A Yes sir.  
Q Was he ever been recognized or enrolled as a Choctaw Indian by any authority? A I don't know sir.  
Q I mean here in the Choctaw Nation, Indian Territory? A I don't know sir.  
Q We never lived here did we? A No sir, I don't know.  
Q Well, he couldn't have been if he didn't live here, could he?  
A No sir.  
Q Is your wife living? A Yes sir.  
Q What is her name? A Willie Ferguson.  
Q Is she colored? A Yes sir.  
Q Do you make any claim for her? A No sir.  
Q Were your parents slaves? A Yes sir.  
Q Sure? A No sir.  
Q Do you mean you are not sure, or were they slaves? A They were not slaves.  
Q They lived in Mississippi, didn't they? A Yes sir.  
Q And were not slaves? A Yes sir.  
Q Well, you say yes, do you mean they were? A Were not slaves.  
Q Give me the names of your children? A A. Cash Ferguson.  
Q Boy? A Cash Ferguson.  
Q Are they both girls? A No sir, one girl and one boy; Candis is a girl.  
Q How old is Candis? A Ten.  
Q How old is Cash? A Eighth.

- Q You claim for yourself and these two children, do you? A Yes sir.
- Q In Willie Ferguson the mother of these two children? A Yes sir.
- Q Are you and she living together as husband and wife? A Yes sir.
- Q When and where were you married to her? A Hollywood, Mississippi about 1905, I tell.
- Q If you claim under a license? A Yes sir.
- Q Have you got the proof of that marriage with you? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory with your children? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory for yourself and children? A No sir.
- Q Have you ever made any such application for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by any act or title whatever up to the present time? A No sir.
- Q Is this too your application for citizenship rights in the Choctaw Nation for yourself and children? A Yes sir.
- Q Do you want to be identified with them as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A I don't know sir.
- Q In 1830 a treaty was made between the United States Government and the Choctaw tribe of Indians at Dancing Rabbit Creek in Mississippi-- A Yes sir.

On the 27th day of September, the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory; before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and this article fourteen was put into the treaty to protect their interests. It is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to enjoy the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A I don't know sir.

- Q What is the name of the ancestor that you claim through going back as far as you can? A Father.
- Q You cannot go back any farther than that? A No sir.
- Q What was his name, John Ferguson? A Yes sir.
- Q How much Choctaw blood did he have? A One half.
- Q Did he get his Choctaw blood from his father or mother or dont you know? A I don't know sir.
- Q Was he a slave at any time? A No sir.
- Q Did he live in Mississippi or Alabama in 1830 and have a family there in either state? A I don't know sir.
- Q Did he ever live in Mississippi? A Yes sir.
- Q How old would he be if living now? A Sixty five.
- Q Now can't you give the name of some Choctaw ancestor who lived when the treaty of 1830 was made or before? A No sir. Henry Fortin
- Q That is your grandfather? A Yes sir.
- Q How much Choctaw blood did he have? A Full.
- Q Is Alice Davis your sister? A Yes sir.
- Q She has just made application hasn't she? A Yes sir.
- Q And was your brother John Ferguson who made application July 5, 1902, ? A Yes sir.
- Q You want to have your case considered under his case? A Yes sir

The case of John Ferguson, M.C.R. 5998, is referred to for the purpose of consolidation.

- Q How old would Henry Fortin your grandfather be if living now? A I don't know sir.
- Q Your brother testified when he made applic tion that Henry Fortin would be about 100 if living now; do you know anything about it? A No sir.
- Q Did Henry Fortin live in Mississippi in 1830 and have a family there at that time? A I don't know sir.
- Q Did he use to live in Mississippi? A Yes sir.
- Q Did he go to COL. WM. Ward the United States Indian agent within six months from the ratification of the treaty of 1830 and register or attempt to register under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did he or any Choctaw ancestor of yours live on land in the old Choctaw nation there in Mississippi or Alabama for five years and at the end of that time get a patent from the Government for that land? A I don't know sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation East of the Mississippi River to the Choctaw nation Indian Territory with the other Indians between 1833 1838 or 1840? A I dont know sir.
- Q Did any of them go any other time between the ratification of the treaty of 1830 and the date of this application made by you today for the purpose of making a home in the Choctaw nation, Indian Territory? A I don't know sir.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A My grandfather did.
- Q Where were these improvements and what did they consist of, do you know? A No sir.
- Q Where was the land, do you know? A No sir.
- Q How much land was there? A I don't know sir.

In 1837 and also in 1842 under various acts of Congress Commissions were appointed which went to Mississippi and heard claim-

ants under article fourteen of the treaty of 1830: these Commissions were appointed because of the complaints made by Choctaw Indians that they had attempted to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty but that Col. Ward had refused to allow them to register and because of his refusal those Indians had their land taken from them by the Government and sold at Public and Sale.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any rights under article fourteen of the treaty of 1830? A I don't know sir.

Q Did any of them receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know sir.

Q This scrip was issued under the act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw Nation had been taken from them and sold by the Government. Do you speak the Choctaw language? A No sir.

This applicant is allowed to and including the 24th day of March, 1903, for the purpose of introducing other evidence if he desires to do so in this application.

(To attorney: A) Any questions? A No sir.

This applicant has the appearance of being descended from negro parentage; he has no knowledge of the Choctaw language and no knowledge of the compliance of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Wains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case on March 6, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Wains*

Subscribed and sworn to before me this 21 day of March, 1903.

*Charles B. Sawyer*

Notary Public.

COPY:

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of Giles Ferguson, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

Giles Ferguson, et al.,           M.C.R. 6842  
Alice Davis, et al.,           M.C.R. 6841

---: D E C I S I O N :---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission  
by Giles Ferguson for himself and his two minor children, Candis  
and Cash Ferguson; and by Alice Davis for herself and her two  
minor children, Henry and Nellie Harvey, under the following pro-  
vision of the act of Congress approved June 28, 1898 (30 Stats.,  
495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty between the United  
States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, and to that end may ad-  
minister oaths, examine witnesses, and perform all other acts  
necessary thereto and make report to the Secretary of the  
Interior."

It also appears that all of the applicants in M.C.R. 6842  
claim rights in the Choctaw lands under article fourteen of the  
treaty between the United States and the Choctaw Nation, concluded



September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Henry Fortin, who is alleged to have been a full-blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty; and that the applicants in M.C.R. 6841 claim said rights by reason of being descendants of John Ferguson, who is alleged to have been a Choctaw Indian, degree of blood not positively stated, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Henry Fortin, or John Ferguson signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the



evidence herein is insufficient to determine the identity of Giles Ferguson, Candis Ferguson, Cash Ferguson, Alice Davis, Henry Harvey and Nellie Harvey, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

*Tamir Rinker.*

Chairman.

*T. D. Needles.*

Commissioner.

*J. L. Drumwright.*

Commissioner.

*W. H. Stanley.*

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904

M C R 6842

Muskogee, Indian Territory, April 7, 1904.

Giles Ferguson,  
Hollywood, Mississippi.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Giles Ferguson, et al., including you and your children Candis Ferguson and Cash Ferguson.

You are further notified that you will be allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles*

Commissioner in Charge.

Registered.

M C R 6842

Muskogee, Indian Territory, April 7, 1904.

A. S. McRae,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Giles Ferguson, et al., which embraces the following cases:

|                         |            |
|-------------------------|------------|
| Giles Ferguson, et al., | M C R 6842 |
| Alice Davis, et al.,    | M C R 6841 |

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Neelico.*

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, April 7, 1904.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Giles Ferguson, et al.

You are hereby advised that the applicants in this case have been allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Enc MCR- 6842

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, April 23, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Giles Ferguson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The above consolidated case embraces the following original applications heard by the Commission:

Giles Ferguson, et al., M.C.R. 6842.  
Alice Davis, et al., M.C.R. 6841.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Willie Bowens, et al., M.C.R. 6000, decision in which was rendered by the Commission January 13, 1903, and affirmed by the Secretary on March 24, 1903.  
Respectfully,

Through the  
Commissioner of Indian Affairs.

2 Encls.: MCR-6842.

Chairman.

(COPY)

LAND.

28278-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, June 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

Permit me to invite your attention to record of the Commission to the Five Civilized Tribes in the matter of the application of Giles Ferguson, for the identification of himself and his two minor children, Candis and Cash Ferguson, and by Alice Davis for herself and her two minor children, Henry and Nellie Harvey, as Mississippi Choctaws, wherein a decision rejecting them was rendered by the Commission on March 15, 1904.

The record in this case shows that the applicants base their claims to a right to identification on their descent from Henry Fortin, the grandfather of the applicants, and John Ferguson. As to whether Henry Fortin resided in the Choctaw Nation, Mississippi or Alabama, in 1830, and complied with the provisions of the Fourteenth Article of the Choctaw treaty of 1830, the witnesses are unable to state.

The Commission rejected the applicants for the reason that its records failed to show that Henry Fortin or John Ferguson complied or attempted to comply with the provisions of the Choctaw Treaty of 1830 or subsequent legislation relative thereto.

An examination of the records of this office has been made with reference to the names of Henry Fortin and John Ferguson, and it is ascertained that the names of these persons do not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the Fourteenth Article of the Choctaw Treaty or subsequent legislation relative thereto.

I therefore recommend that the decision of the Commission rejecting these applicants be approved.

Very Respectfully,

A. C. Tonner,

Acting Commissioner.

E. B. H.-L. C.

(COPY)

W.C.F.

DEPARTMENT OF THE INTERIOR,

Washington.

I. T. D. 4774-1904.

JUNE  
June 14, 1904.

L. R. S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,

Gentlemen:

On April 23, 1904, you transmitted the record in the consolidated Mississippi Choctaw case involving the applications of Giles Ferguson for himself and his two minor children, Candis and Cash Ferguson, and of Alice Davis for herself and her two minor children, Henry and Nellie Harvey, including your decision of March 15, 1904, refusing to identify them as Mississippi Choctaws.

The applicants trace their descent from Henry Fortin, an alleged full blood Choctaw Indian, and John Ferguson, who is alleged to have been a Choctaw Indian, degree of blood not definitely stated.

Reporting in the matter June 9, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.



M.C.R. 6842

COPY.

Muskogee, Indian Territory, June 23, 1904.

Giles Ferguson,

Hollywood, Mississippi.

Dear Sir:

You are hereby notified that on the 14th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Giles Ferguson et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

M.C.R. 6842

COPY.

Muskogee, Indian Territory, June 23, 1904.

A. S. McRea,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:

You are hereby notified that on the 14th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Giles Ferguson et al., of which decision you were advised by registered mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

*T. D. Needles.*

Commissioner in Charge.

COPY. M: C. R. 6842

Muskogee, Indian Territory, June 23, 1904.

Manefield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 14th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Giles Ferguson et al., of which decision you were advised by mail on the 7th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

REFER TO M. C. R. 6842

Giles Ferguson et al

Trust Charles C. ...

Henry Footner, f. l.

John Ferguson, h. dead

wife

Eliza Ferguson, dead

met  
6842

Giles Ferguson, 32. 1/4

wife

Willie Ferguson, 2. neg.

met  
6842

Charles Ferguson, 10

Cash Ferguson, 5

met  
6842

Alice Ferguson, 29 1/4

married

met  
6842

Henry Harvey, 5

① Henry Harvey, neg. dead

② James Davis, neg. it

Nellie Harvey, 2.

6842

No.

842

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 6 1903

Name

Giles Ferguson

Age

32

Blood

1/4

Post Office

Hollywood Miss

Father

John Ferguson,

d

Mother

Eliza

"

d

Claims through

Father,  $\frac{1}{2}$ ,

wife.

Willie Ferguson. l. neg.

No claim for wife,

Children:

Candis Ferguson F. 10

Cash

"

M 8

Claim for neg  
and 2 minor

Claim.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Giles Ferguson et al*

NOTICE OF DEEDS  
APPLICANT

ATTORNEY AT LAW  
CHICKASAW

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

NOTICE OF  
ACTION MAILED APPLICANT.

JUN 25 1904  
REFUSED.

Choctaw MCR 6843

Louisa Smith

MCR 6843



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 6, 1903.

6843

In the matter of the application of Louisa Smith for identification as a Mississippi Choctaw.

Louisa Smith being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Louisa Smith.  
Q What is your age? A I am thirty one.  
Q What is your post office address? A Rogers, Kentucky.  
Q How long have you lived there? A That's not been my post office for but about two years.  
Q How long have you lived in Kentucky? A All my life.  
Q Is your father living? A Yes sir.  
Q Is your mother? A Yes sir.  
Q What is your father's name? A John Meadows.  
Q What is your mother's name? A Lydia Meadows.  
Q Do you claim Choctaw blood through your father or mother?  
A My mother.  
Q How much do you claim? A One eighth.  
Q Is your mother one quarter? A Yes sir.  
Q And has she been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the authorities of the United States? A She came here about the last of December or the first of January.  
Q She has made application for identification as a Mississippi Choctaw? A Yes sir.  
Q That is the only application she has made for any rights in the Choctaw nation? A Yes sir.  
Q You say your husband is not living now? A Yes sir.  
Q Have you any children you want to make application for? A No sir.  
Q You claim for yourself alone, do you? A Yes sir.  
Q What was your husband's name? A Harry Smith.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.  
Q Is this your first application for citizenship rights in the Choctaw nation before any authority? A Yes sir.  
Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes sir.

L. Smith----2

Q Q Do you claim that right to be identified under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A No sir, not very well.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830; the object of that treaty on the part of the Government was to remove the Choctaws from the old Choctaw nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before this treaty of 1830 was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, but wanted to stay and in order to protect their rights a provision to stay back in the old Choctaw Nation was put into the treaty of 1830; the treaty was then signed and on the 24th day of February, 1831, became ratified. Article fourteen under which you claim today is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the Ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article? A I don't know.

Q Who is your ancestor that you claim your right through? A Through John Harper.

Q What relation was John to you? A My mother's great grandfather

Q Was it your great great grandfather? A Yes sir.

Q How much Choctaw blood did he have? A He was a Choctaw Indian.

Q Full blood? A That's the way I understand it.

Q Do you claim through his wife? A Through both.

Q What was his wife's name? A I don't know his wife's name.

Q How much Choctaw blood did she have? A She was full blood I suppose; that's the way I understand it.

Q Did she live in Mississippi with her husband in 1830 and have a family there then? A I don't know whether they did or not.

Q Did they ever live in Mississippi or Alabama in the old Choctaw Nation that you have heard? A I don't know where they lived.

Q Did either of them within six months from the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know that.

L. Smith---3

Q Did any of your Choctaw ancestors live on land in the old Choctaw Nation in Mississippi or Alabama for five years and then get a deed or patent from the Government under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation in Indian Territory at any time between the ratification of the treaty of 1830 and the date of this ratification made by you today to your knowledge? A I can't tell you anything about it.

Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, between 1833 to 1838 with the other Indians at the expense of the Government? And under the treaty? Don't you know? A I don't know.

Q Did any of your Choctaw ancestors go before a Commission in 1837 or 1842 and claim rights under article fourteen of the treaty of 1830? A I don't know that.

Those Commissions were appointed one in 1837 by an act of Congress approved March 3, and the other in 1842 by an act approved August 23, that year, for the purpose of hearing Choctaw Indian claimants who stated that they had appeared to register under Col. Ward within six months after the ratification of the treaty of 1830 but had been prevented from registering by Col. Ward and because Col. Ward would not allow them to register these Indians had had their land taken from them by the Government and sold at Public Land Sale.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Arkansas, Alabama, or Louisiana? A I can't tell you.

Q This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who claimed their rights and proved their rights under article fourteen of the treaty of 1830 and who also proved that their land had been taken from them in the old Choctaw Nation, and sold. Are you related to Christopher C. Hanks? A Yes sir.

Q What relation are you to him? A Second cousin.

Q Are you related to Jasper Chambers? A Yes, just the same as Hanks. Second cousin.

The case of Jasper Chambers M.C.R. 5670 is referred to for the purpose of consolidation. Also the case of Christopher C. Hanks, M.C.R. 6508.

This applicant is allowed to and including the 24th day of March, 1903, for the introduction of other proof in this case.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark blue eyes, brown hair,

L. Smith----4

medium light complexion. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

-----

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above case March 6, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 31 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 6843.

Muskogee, Indian Territory, November 6, 1903.

Louisa Smith,

Rogers, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6848

Muskogee, Indian Territory, March 18, 1904.

Louisa Smith,

Rogers, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record will be transmitted, together with such argument and brief as may be submitted by the applicants and their attorneys, to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6843.

Muskogee, Indian Territory, June 26, 1905.

Louisa Smith,

Rogers, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

6843.

No. 6843

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 6 1903

Name Louisa Smith

Age 31 -

Blood

$\frac{1}{8}$

Post Office, Rogers, Ky.

Father: John Meadows.

l.

Mother: Lydia

"

l.

Claims through

mother,  $\frac{1}{4}$ .

Harry Smith, (d)  
(Husband)

Children:

Claims for self  
alone

Stenographer

H. H. Harris.



IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Miss Smith*

RECORD FORWARDED DEPARTMENT.  
JUN 13 1904

ADJ  
S. C. ...  
MA

Choctaw MCR 6844

Rebecca Riggs

MCR 6844

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 6, 1903.

6844

In the matter of the application of Rebecca Riggs for the identification of herself and her minor child, Ray Riggs, as Mississippi Choctaws.

Rebecca Riggs being duly sworn testifies as follows:

Examination by the Commission.

- Q What is our name? A Rebecca Riggs.  
Q What is your age? A Twenty-two.  
Q What is your post office address? A Forrest, Kentucky, Wolfe County.  
Q How long have you lived there? A I have been there for the last three years.  
Q Where were you born? A In Kentucky.  
Q Have you always lived in Kentucky? A Yes sir.  
Q Is your father living? A Yes.  
Q Is your mother? A Yes.  
Q What is your father's name? A John Meadows.  
Q What is your mother's name? A Lydia Meadows.  
Q Do you claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A One eighth.  
Q You claim your mother is one quarter Choctaw? A Yes sir.  
Q Has she been before the Commission to be identified? A Yes sir.  
Q When did she appear, do you know? A About the first of January.  
Q Has she ever been recognized as a Choctaw Indian, or enrolled as one by either the Choctaw tribal authorities or the authorities of the United States? A No sir.  
Q Is your husband living? A Yes sir.  
Q What is his race? A White man.  
Q What is his name? A Richard Riggs.  
Q You don't make any claim for him? A No sir.  
Q What is your child's name? A Ray Riggs.  
Q How old is he? A Five months old.  
Q You apply for yourself and this child, do you? A Yes sir.  
Q Is your husband, Richard Riggs, the father of Ray? A Yes sir.  
Q And are you and your husband living together as husband and wife at your home? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw nation in Indian Territory? A No sir, I suppose not.  
Q Have you ever made application for citizenship in the Choctaw nation to the Choctaw tribal authorities in Indian Territory? A No sir.  
Q Have you ever made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Dawes Commission, or the United States Court in Indian Territory? A No sir.  
Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw with this child? A Yes sir.

R. Rings ---2

Q Do you claim your right under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A No sir.

In 1830 a treaty was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi-- and the treaty is sometimes called taht--- on the 27th day of September 1830. The object of the treaty on the part of the Government was to remove the Choctaw Indians from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory; before the treaty was made it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect the interests of the Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty and then it was ratified on the 24th day of February, 1831. This article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant, in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply with any of the provisions of that article? A I can't tell you.

Q What is the name of the ancestor that you claim through today? A Yes sir, Harper.

Q What is the full name? A John Harper I understand.

Q Do you claim through his wife? A From both.

Q What was her name? A I don't know.

Q What relation was John Harper to you? A My mother's great grandfather I understand.

Q Was he a full blood Choctaw? A Yes sir.

Q Was his wife full blood Choctaw? A Yes sir.

Q Did they live in Mississippi or Alabama in 1830? And have a family there then in the old Choctaw Nation? A I can't tell you.

Q Did you ever hear that John Harper ever lived in the old Choctaw Nation in Mississippi or Alabama? A No sir, I never heard.

Q Do you know where he did live? A No sir.

Q Did he go to Col. William Ward within six months from the ratification of the treaty of 1830 and attempt to register under article fourteen of the treaty of 1830? A I understand he went sometime to register but don't know when.

R. Riggs----3

Q Did he or any other Choctaw ancestor of yours live on land in the old Choctaw Nation five years and then get a patent from the Government for that land? A I don't know.  
Q Did any of them claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I can't tell you that.  
Q Did any of them go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.  
Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838 or 1840? A I can't tell you that.  
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.  
Q Did any of your Choctaw ancestors go before a Commission appointed by act of Congress approved March 3, 1837 or before a Commission appointed August 23, 1842, and claim any benefits under article fourteen of that article? A I don't know.

These Commissions were appointed to hear the complaints of Choctaw Indians who tried to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty of 1830 but who were prevented from registering by Col. Ward the United States Indian agent, because he didn't allow them to register. The Government took the land from these Indians and sold it.

Q Do you know if any of your Choctaw ancestors received any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.  
Q This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw Nation by the Government and sold. Do you understand or speak the Choctaw language? A No sir.  
Q What relation is Christopher C. Hanks to you? A Second cousin.  
Q And Joseph Crouch? A Second cousin.  
Q Do you want your case consolidated under the head of Jasper Chambers? A Yes sir.  
Q And reference also made to the case of Christopher C. Hanks?

This case will be consolidated under the head of Jasper Chambers's application, M.C.R. 5670; Christopher C. Hanks a relative of this applicant made application before the Commission, his case being numbered 6806.

This applicant is allowed up to and including the 24th day of March, 1903, for the purpose of introducing further proof

if he desire to do so.

This applicant has the appearance of being descended from white parentage; brown hair, blue eyes, medium fair complexion; he does not understand the Choctaw language.

-----

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause On March 6, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 6844.

Muskogee, Indian Territory, November 6, 1903.

Rebecca Riggs,

Perrest, Kentucky,

*Remailed Tarboro Ky. Dec 12. 1903.*

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6844

Muskogee, Indian Territory, March 18, 1904.

Rebecca Riggs,  
Torrent, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your minor child, Ray Riggs, was made a part, refusing said application.

This decision is subject to your inspection, and the record will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record in said case, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered



M.C.R.6844.

Muskogee, Indian Territory, June 26, 1905.

Rebecca Riggs,

Torrent, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

6644

No. 6844

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 6 1903

Name Rebecca Riggs.

Age 22 -

Blood 1/8

Post Office, Torrent, Ky -

Father: John Meadows.

Mother: Lydia "

Claims through mother 1/4

Husband

Richard Riggs, l.w.

No claim for husband

Children:

Ray Ray Riggs, 5m

Claims for self  
and child

Monographer

W. S. Hamlin

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW.

*100000 100000 100000*

DES

104

CCNY

ATTN

CHICKASAW

NOT

RECORD FORWARDED DEPARTMENT.

JUN 13 1904.

ACT

REC'D

10

Choctaw MCR 6845

Lousina Meadows

MCR 6845

Department of the Interior.  
Commissions to the Five Civilized Tribes.  
Muskogee, I.T. March 6, 1903.

6845

In the matter of the application of Leusina Meadows for the identification of herself as a Mississippi Choctaw.

Lousana Meadows being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lousina Meadows.  
Q What is your age? A Twenty five.  
Q What is your post office address? A Torront, Kentucky.  
Q How long have you lived at Torront, Kentucky? A About 6 years.  
Q Were you born in Kentucky and always lived there? A Yes sir.  
Q Is your father living? A Yes sir.  
Q Is your mother? A Yes sir.  
Q What is your father's name? A John Meadows.  
Q What is your mother's name? A Lydia Meadows.  
Q Are you married? A No sir.  
Q You claim through your mother? A Yes sir.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your mother one quarter Choctaw blood? A Yes sir.  
Q Has she appeared before the Commission to be identified as a Mississippi Choctaw? A Yes sir.  
Q Has she ever been recognized or enrolled as a Choctaw Indian by any authority whatever thus far? A No sir.  
Q You are single, are you? A Yes sir.  
Q And claim for yourself alone? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.  
Q Have you made any such application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.  
Q Do you come before the Commission to identify yourself as a Mississippi Choctaw? A Yes sir.  
Q Do you understand that article? A No sir; I have heard you read it.

The treaty of 1830 was made between the United States Government and the Choctaw Indians in Mississippi at a place called Dancing Rabbit Creek on the 27th day of September that year. The

L. Meadows---2

Government in making the treaty with the Indians desired to remove them from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory. Before this treaty was signed it became known that a good many would not go to the Territory under the treaty with the other Indians; in order to protect the interests of those Indians who wanted to stay in the old Choctaw Nation article fourteen was put into the treaty of 1830. That is the article under which you claim today and is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age to adjoin the location of the parent and a quarter section to such child as may be under ten years of age. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who reside upon said lands shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article?

A No sir.

Q What was the name of your ancestor that you claim your right through now? A John Harper. My great great grandfather.

Q How much Choctaw blood did he have? A He was full blood.

Q Do you claim through John Harper's wife? A Yes sir.

Q Do you know her name? A Lydia Harper I think. I don't know really.

Q How much Choctaw blood did John Harper's wife have? A She was full blood.

Q Did she live with her husband in Mississippi or Alabama in the old Choctaw Nation in 1830 and were they married and head of a family there at that time? A I don't know.

Q Did they ever live in the old Choctaw Nation? A I don't know.

Q Do you know where they did live? A No sir.

Q Did either or both of them go to the United States Indian agent Col. Ward within six months after the ratification of the treaty of 1830 and register or attempt to register under article fourteen of that treaty? A Yes; he did.

Q Did either of them live on land in the old Choctaw Nation in 1831 and after that for five years and then get a patent from the Government for that land? A I don't know.

Q Did either of them go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians at any time between the ratification of the treaty of 1830 and the date of this application you make today? A I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know.

L. Meadows----3

Q Did any of them go before a Commission in 1837 or 1842 and claim any benefits under article fourteen of the treaty of 1830? A No one excepting may be John Harper.

Q Did John Harper go before one of these two Commissions? A No, in 1830.

Q Do you know anything about his going before any other authority? A No sir.

The Commissions of 1837 and 1842 were appointed by various acts of Congress to hear the complaints of Indians who attempted to register under article fourteen of the treaty of 1830 but were prevented from so doing by Col. Ward and as a result lost their lands in the old Choctaw Nation; it was taken from them by the Government and sold.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842. Do you speak or understand the Choctaw language? A No sir.

Q Was Jasper Chambers related to you? A Yes sir.

Q And also Christopher C. Wanks? A Yes sir.

Q Do you want your case consolidated under the head of Jasper Chamber's application? A Yes sir.

That case referred to-- M.C.R. 5670-- for the purpose of consolidation; also Christopher C. Hanks-- M.C.R. 6508-- is referred to in this connection.

This applicant is allowed up to and inclusive of March 24, 1903 for the purpose of introducing further proof in this case if she desires.

This applicant has the appearance of being descended from white parentage; dark brown hair, blue eyes, medium light complexion.

-- --  
Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 7, 1903, and that this is a full true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 6845.

Muskogee, Indian Territory, November 6, 1903.

Lousina Meadows,

Torrent, Kentucky,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



M C R 6845

Muskogee, Indian Territory, March 18, 1904.

Lousina Meadows,  
Torrent, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6845.

Muskogee, Indian Territory, June 26, 1905.

Lousina Meadows,

Torrent, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

6845

No. 6845

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 6 1903

Name Louisa Meadows.

Age 25.

Blood 1/8

Post Office, Lorent, Ky -

Father: John Meadows.

l

Mother: Lydia "

l.

Claims through mother 1/4 -

Children:

Claims for self

Monograph J. G. Hains.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Anna Meadows*

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CHICAGO

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

AC

DEPT. OF INTERIOR

Wm.

Choctaw MCR 6846

Caroline Creech

MCR 6846

Department of the Interior  
Commission to the Five Civilized Tribes  
March 6, 1903, Muskogee, I. T.

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In the matter of the application of Caroline Creech for the identification of herself as a Mississippi Choctaw.

S. Heard attorney for applicant.

Caroline Creech being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Caroline Creech.  
Q What is your age? A Twenty-six.  
Q What is your post office address? A Belva, Oklahoma.  
Q How long have you lived in Oklahoma? A I haven't been living there for quite a while, been back in Kentucky.  
Q Were you born in Kentucky? A Yes, sir.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A John Edwards.  
Q What was your mother's name? A Evelyn Edwards.  
Q Through which parent do you claim Choctaw blood? A Through my mother's father.  
Q How much do you claim? A One-eighth.  
Q Was your mother one-fourth Choctaw Indian? A Yes, sir.  
Q Has she ever been recognized or enrolled as a Choctaw Indian by any authority whatever in Indian Territory? A No, sir.  
Q Are you married? A Yes, sir.  
Q Is your husband living? A Yes, sir.  
Q What is his name? A Frank Creech.  
Q What is his race? A They claim to some tribe of Indians but I don't know what part.  
Q White and Indian? A Yes, sir.  
Q Do you make any claim for him as a Choctaw Indian? A No, sir.  
Q Have you any children? A No, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation wither to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under an act of Congress of June 10, 1898? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No, sir.  
Q Is this your first application for citizenship in the Choctaw Nation? A Yes, sir.  
Q Do you want to be identified as a Mississippi Choctaw claiming under article 14 of the treaty of 1830? A Yes, sir.

Article 14 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, sir.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A John Harper.
- Q How much Choctaw blood did John Harper have? A Full blood him and his wife.
- Q Do you know his wife's name? A No, sir.
- Q Do you claim through both John Harper and his wife? A Yes, sir.
- Q What relation was John Harper to you? A He was my mother's great grandfather.
- Q Did they live in Mississippi in 1830 and have a family there then, or in Alabama? A I don't know anything about that.
- Q Did John Harper or his wife, or both try to register under article 14 of the treaty of 1830 within six months after the ratification of the treaty by going to Colonel Ward the United States Indian Agent? A I don't know.
- Q Did John Harper or his wife or any of your Choctaw ancestors live on land in Mississippi or Alabama for five years and then get a patent from the government? A I don't know.
- Q Did any of your ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of them own improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before a Commission in 1830 or a Commission in 1842 and claim any benefits as a Choctaw Indian under article 14 of that treaty? A I don't know that.

These commissions were appointed because of the complaint made by Choctaw Indians who tried to register under article 14 of the treaty of 1830 but were refused the right to register by Colonel Ward; because of this refusal their land was taken from

6846-3-

them by the government and sold.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued by an act of Congress of August 23, 1842.

- Q Do you speak or understand the Choctaw language? A No, sir.  
Q What relations of yours have been before you today? A Louisiana Meadows.  
Q How was she related to you if any? A Second cousin.  
Q And Rebecca Riggs? A She is my second cousin.  
Q Are you related to Jasper Chambers? A Yes, sir.  
Q Is C. C. Hanks a relative of yours? A Yes, sir.

The case of Jasper Chambers M.C.R. 5670 is here referred to for the purpose of consolidation; reference is also made to the case of C. C. Hanks, et al., M.C.R. 5608.

This applicant is allowed time for the introduction of other testimony in this case up to and inclusive of the 24th day of March 1903.

This applicant appears to to be descended from white parantage; she has black hair, black eyes, dark complexion; has no knowledge of the Choctaw language and no knowledge of a compliance or attempted compliance of any of her ancestors with any of the provisions of the treaty of 1830.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the commission to the five civilized Tribes he reported the proceedings had in the above entitled cause, heard on the 6th day of March 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

subscribed and sworn to before me this 24 day of March, 1903.

*Charles H. Sawin*

Notary Public.



M.C.R. 6846.

Muskogee, Indian Territory, November 6, 1903.

S. Heard,

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

You are hereby advised that the Commission has this day notified Caroline Creech that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6846.

Muskogee, Indian Territory, November 6, 1903.

Caroline Creech,

Belva, Okalhoma,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 19, 1904.

Caroline Creech,

Belva Oklahoma.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for your identification as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that the attorney of record in your case, Mr. J. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Respected.

Commissioner in Charge.

M.C.R.6846.

Muskogee, Indian Territory, June 26, 1905.

Caroline Creech,

Belva, Oklahoma.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6846

No. 6846

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 6 1903

Name Caroline Creech

Age 26

Blood

1/8

Post Office,

Bellevue, Okla.

Father:

John Edwards

Mother:

Eveline

Claims through

mother. 1/4

Husband

Frank Creech

No claim for husband

Children:

Claims for self  
alone

Signature of the individual

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Caroline Creech*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW  
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 13 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MA

NOTICE OF DECISION MAILED APPLICANT

JUN 13 1904

NOTICE OF DECISION MAILED APPLICANT

RECEIVED

100

Choctaw MCR 6847

Mary E. Wills

MCR 6847

Department of the Interior  
Commission to the five Civilized Tribes.  
Muskogee, I. T. March 6, 1903.

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In the matter of the application of Mary E. Wills for the identification of herself and her two minor children Tennessee and Lou Emma Wills as Mississippi Choctaws.

S. Heard attorney for applicants.

Mary E. Wills being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary E. Wills.  
Q What is your age? A Forty-eight.  
Q What is your post office address? A Rothwell, Ky.  
Q Have you always lived in Kentucky? A Yes, sir.  
Q How long in Rothwell? A Twenty-two years.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What was your father's name? A John Reynolds.  
Q What is your mother's name? A Lydia Ann Reynolds.  
Q Do you claim through your father or mother? A Mother.  
Q How much choctaw blood do you claim? A One-eighth.  
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States Court in Indian Territory? A No, sir.  
Q Do you claim she was one-quarter, or is she one-quarter, Choctaw Indian? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q Is your husband living? A Yes, sir.  
Q What is his race? A He is a white man.  
Q What is his name? A E. Wills.  
Q You don't make any claim for your husband do you? A No, sir not at all.  
Q Now give the names of your children beginning with the oldest? A Tennessee, twelve years old.  
Q Now the next? A Lou Emma.  
Q How old is she? A Ten years old.  
Q Is your husband the father of these children, E. Wills? A Yes, sir.  
Q Are you living at his home - you and your children? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory, either yours or your children? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities, or the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever? A No, sir.



- Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes, sir.  
 Q Do you claim under article 14 of the treaty of 1830? A Yes, sir.  
 Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27 of September of that year. The object of the treaty was to remove all the Choctaw Indians from the old Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation Indian Territory. In order to protect the interest of those Indians who remained in the old Choctaw Nation article fourteen was drafted and put into the treaty.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that article? A No, sir.  
 Q Who do you claim through now? A John Harper and wife.  
 Q What was his wife's name? A I don't know.  
 Q Did John Harper and his wife live in Mississippi in 1830 and have a family there at that time? A I don't know.  
 Q How much Choctaw blood did John Harper have? A Full blood.  
 Q And his wife? A Yes, sir.  
 Q What relation was John Harper to you? A My Mother's great grandfather.  
 Q Now did John Harper or his wife - you don't know her name? A I think her name was Mary Ann, I think that was it. I don't know I have heard my mother speak of it.  
 Q You think it was Mary Ann? A I don't know whether it was her name or not.  
 Q Did John Harper or his wife go to the United States Indian Agent within six months after the ratification of the treaty and register or attempt to register under article fourteen? A I don't know.

- Q Did any of your Choctaw ancestors John Harper, or his wife, or any other live on land in the old Choctaw Nation for five years and then get a patent from the government for that land? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833, 1838 or 1840 or at any other time between the ratification of the treaty and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on any land in the old Choctaw Nation in 1830? A I don't know.

In 1837 and also in 1842 Commissions were appointed, which commissions went to Mississippi and heard claims under article fourteen of the treaty of Dancing Rabbit Creek. These Commissions were appointed to hear the complaints of Choctaw Indians who claimed that they had gone to Colonel Ward within six months after the ratification of the treaty and had attempted to register under article 14, but that Colonel Ward had refused them registration, and as a result the government took their land from them and sold it at its public land sales; this land was in the old Choctaw Nation.

- Q Did any of your Choctaw ancestors go before either of these Commissions? A I don't know.
- Q Did any of your Choctaw ancestors receive scrip which entitled them to select land wither in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under the act of Congress of August 23, 1842.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Are you related to Jasper Chambers and C. C. Hanks? A Yes, sir.
- Q Do you want to have Jasper Chambers made the head case? A Yes, sir.

The case of Jasper Chambers is referred to here M.C.R. 5670 for the purpose of consolidation; also the case of C. C. Hanks M.C.R. 6508, as applicants claiming through the same ancestor.

The applicant is allowed time for the introduction of other evidence in this case up to and inclusive of the 24th of March 1903.

This applicant has the appearance of being descended from white ancestry; she has brown hair, gray eyes, and medium fair complexion; she doesn't understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

6847-4

Chas. Diffendaffer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, heard on March 6, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 26 day of March, 1903.

*Charles Hexsnyder*

Notary Public.

M.C.R. 3847.

Muskogee, Indian Territory, November 6, 1903.

Mary E. Wills,  
Rothwell, Kentucky,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6847.

Muskogee, Indian Territory, November 6, 1903.

S. Heard,

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

You are hereby advised that the Commission has this day notified Mary E. Wills that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6847

Muskogee, Indian Territory, November 25, 1903.

Mary E. Wills,  
Rothwell, Kentucky.

Dear Madam:

Receipt is hereby acknowledged of the affidavit of Lydia Reynolds, offered in support of your application for identification as a Mississippi Choctaw. The same has been filed with the record in your case.

Respectfully,

Chairman.

MCR.6847

Muskegee, Indian Territory, March 21, 1904.

Mary E. Wills,

Rothwell, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your minor children Tennessee and Lou Emma Wills, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorney of record, S. Heard, Esq., of Tishomingo, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R.6847.

Muskogee, Indian Territory, June 26, 1905.

Mary E. Wills,

Rothwell, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.



6847

No.

6847

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 6 1903

Name *Mary E. Wills.*

Age *48* — Blood *1/8*

Post Office, *Rothwell, Ky.*

Father: *John Reynolds. d*

Mother: *Lydia A. " d*

Claims through *mother 1/4* — ..

~~Husband~~

*E. Wills —*

*I.W.*

*No claim for husband*

Children:

*Tennessee Wills, 12*

*Lou Emma " 10*

*Claims for self  
and 2 minors*

*more the same*

FOR IDENTIFICATION AS R. 684  
A MISSISSIPPI CHOCTAW.

*Mary E. Mills et al*

PROSECUTION RENDERED

17th

RECORDED  
LAW AND

84

NOTICE OF COURT IN MATTER OF APPLICANT. MAR 14 1904

COPY OF  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

SECRETARY

JUN 13 1904

Choctaw MCR 6848

Vina E. Downs

MCR 6848

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. March 6, 1903.

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In the matter of the application of Vina E. Downs for the identification of herself and her six minor children, Leora, Ida N., William F., Georginan, Milison A. and John T. Downs, as Mississippi Choctaws.

S. Heard attorney for applicants.

Vina E. Downs being first duly sworn testified as follows:

- Q What is your name? A Vina E. Downs.
- Q What is your age? A Forty-six.
- Q What is your post office address? A Rothwell, Ky.
- Q Have you always lived in Kentucky? A Yes, sir.
- Q How long in Rothwell? A Eighteen years I reckon.
- Q Is your father living? A He, sir.
- Q Is your mother living? A Yes, sir.
- Q What was your father's name? A John Reynolds.
- Q And your mother's name? A Lydia Ann Reynolds.
- Q Is Mary E. Wills your sister? A Yes, sir.
- Q You claim through your mother? A Yes, sir.
- Q You claim how much Choctaw blood? A About one-eighth.
- Q Your mother was one-fourth? A Yes, sir.
- Q Has she made application herself to be identified as a Mississippi Choctaw? A No, sir.
- Q Has she ever been recognized or enrolled as a Choctaw Indians by the Choctaw tribal authorities in Indian Territory or the United States authorities? A No, sir.
- Q Is your husband living? A Yes, sir.
- Q What is his name? A Richard J. Downs
- Q What is his race? A He is white.
- Q You don't make any claim for him do you? A No, sir.
- Q What is the name of your children beginning with the oldest? A Leora Downs.
- Q Girl? A Yes, sir.
- Q And how old? A Twenty.
- Q Next? A Ida N. Downs.
- Q How old? A Sixteen.
- Q Next? A William F. Downs.
- Q How old is William? A Thirteen.
- Q The next? A Georgiana.
- Q How old? A Eleven.
- Q Next? A Milison A., girl.
- Q And how old? A Eight.
- Q Any more? A One.
- Q How old and what is his name? A John T., he is six.
- Q You claim for yourself and these six children do you? A Yes, sir.

- Q Is Richard J. Downs the father of these children? A Yes, sir.
- Q Are you and your husband living together as husband and wife and are these children living with you? A Yes, sir.
- Q Is your name on any of the tribal rolls in the Choctaw Nation Indian Territory with your children? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory, with your children? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to either the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Do you want to identify yourself and these children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes, sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, sir.
- Q Who do you claim through? A My mother.
- Q What other ancestor? A John Harper and wife.
- Q What was her name? A I have heard them say it was Mary Ann.
- Q Do you know whether John Harper and his wife Mary Ann lived in Mississippi in 1830 and had a family there then? Were they married at that time? A I don't know whether they were or not.
- Q How much Choctaw blood did John Harper have and his wife? A full blood.
- Q Both full blood? A Yes, sir.
- Q What relation was John Harper to you? A My mother's great grandfather.
- Q Did these ancestors live on land in Mississippi or Alabama for five years and then get a patent from the government for that land? A I don't know.

- Q Did they or any Choctaw ancestor of yours go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? Did you ever hear? A I don't know.
- Q Did any of your Choctaw ancestors go to Colonel Ward within six months after the treaty was ratified and register or attempt to register under article 14 of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors own any ~~mi~~ improvements on land in that old Choctaw Nation in 1830? A I don't know.

In 1837 by an act of Congress approved March 3d of that year, and also in 1842 by an act approved August 23d of that year Commissions were appointed, which went to Mississippi and heard Choctaw Indians who claimed that they had attempted to register under article 14 of the treaty of 1830, but because Colonel Ward would not allow them to register their lands had been taken from them and sold by the government.

- Q Did John Harper or his wife, or any Choctaw ancestor of yours, go before either of those two commissions and claim any benefits under article 14 of the treaty of 1830? A I don't know.
- Q You claim through your mother and she claims through father or mother? A Her father.
- Q What was his name? A William Hanks.
- Q And William Hanks claimed through whom? A His mother.
- Q What was her name? A Her name was Lydia Ann Harper.
- Q Was she the daughter of John Harper and Mary Ann? A Yes, sir.
- Q Did John Harper or his wife receive any scrip from the government A I don't know.

This scrip was issued to Indians who claimed and proved their rights under article 14 of the treaty of 1830 and also proved that their lands had been taken from them and sold by the government.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Is Mary E. Wills your sister? A Yes, sir.
- Q What relation is Caroline Creech to you? A She is a cousin.
- Q What relation is Louisiana Meadows? A Second cousin, I think.
- Q Are you related to Jasper Chambers? A Yes, sir.
- Q And to C. C. Hanks? A Yes, sir.

The case of Jasper Chambers 5370 is here referred to for the purpose of consolidation; case of C. C. Hanks N.C.R. 3508 is referred to, he being a relative of this applicant claiming through the same ancestor.

This applicant is allowed up to and inclusive of March 24, 1903 for the purpose of introducing any testimony in this case she may desire.

This applicant has the appearance of being descended from white parentage; she has brown ~~haxx~~ hair, brownish gray

6848-4

eyes and medium fair complexion; she has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

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Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause heard on March 8, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date

*Chas. Diffendaffer*

Subscribed and sworn to before me this 20 day of March, 1903.

*Charles H. Sawyer*  
Notary Public.

H.C.F. 2018.

Lawton, Indian Territory, November 6, 1903.

S. Harris,

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

You are hereby advised that the Commission has this day notified Miss E. Downs that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



M.C.R. 3848.

Muskogee, Indian Territory, November 6, 1903.

Vine E. Downs,

Rothwell, Kentucky,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6848

Muskogee, Indian Territory, November 27, 1903.

Vina E. Downs,  
Rothwell, Kentucky.

Dear Madam:

Receipt is hereby acknowledged of the affidavits of Lydia Reynolds, R. L. Mollvain and yourself; also certified copy of marriage record between Richard Downs and Ellen Reynolds, offered in support of your application for identification as a Mississippi Choctaw. The same have been filed with the record in your case.

Respectfully,

Chairman.

M: C. R. 6848

Muskogee, Indian Territory, March 21, 1904.

Vina E. Downs,

Rothwell, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your six minor children, Leora, Ida N., William F., Georgiana, Millson A., and John T. Downs, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorney of record, S. Heard, Esq., of Tishomingo, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R.6848.

Muskogee, Indian Territory, June 26, 1905.

Vina E. Downs,

Rothwell, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6848

No.

6848

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MARCH 1903

Name Vina E. Koons,

Age 46 Blood 1/8

Post Office, Rothwell, Ky

Father: John Reynolds, d

Mother: Lydia Ann .. l

Claims through mother 1/4

Husband.

Richard J. Koons, l. w  
No claim for husband

Children:

Leora Koons, F. 20

Ida N. .. 16

William F. .. 13

Georgiana .. 11

Milion A .. F. 8

John T. .. 6

Claims for self  
and 1/8 minor

Monographs the subject of

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Mrs. E. Downs et*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MADE FOR APPLICANT.

MAR 11 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED  
SECRETARY OF THE INTERIOR.

MAR

NOTICE  
FCHW  
A.

Choctaw MCR 6849

Sarah B. Dennis

MCR 6849

Department of the Interior  
Commission to the Five Civilized Tribes.  
March 6, 1903, Muskogee, I. T.

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In the matter of the application of Sarah B. Dennis for the identification of herself and her minor child, C. F. Dennis, as Mississippi Choctaws.

S. Heard attorney for applicant.

Sarah B. Dennis being first duly sworn testified as follows:

- Q What is your name? A Sarah B. Dennis.  
Q What is your age? A Twenty-three.  
Q What is your post office address? A Rothwell, Ky.  
Q Have you always lived in Kentucky? A Yes, sir.  
Q And how long in Rothwell? A About eighteen years.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Richard J. Downs.  
Q And your mother's name? A Vina E. Downs.  
Q Do you claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Is she one-eighth? A Yes, sir.  
Q Has she been recognized or enrolled as a Choctaw Indian by any authority whatever? A No, sir.  
Q She made application to be identified as a Mississippi Choctaw today didn't she? A Yes, sir.

Case of the mother of this applicant M.C.R. 6848 is referred to.

- Q Is Mary E. Willis your aunt? A Yes, sir.  
Q She made application today to didn't she? A Yes, sir.  
Q Are you married? A Yes, sir.  
Q Is your husband living? A Yes, sir.  
Q And is a Choctaw Indian? A No, sir.  
Q What is he? A White.  
Q What is his name? A J. J. Dennis.  
Q You don't ~~has~~ make any claim for him do you? A No, sir.  
Q What is he a German? A I don't understand what that means.  
Q Now we will take the names of your children? C. F. Dennis.  
Q Boy? A Yes, sir.  
Q That C. Stands for Charles? A Yes, sir.  
Q How old is he? A Eight months old.  
Q You claim for yourself and child do you? A Yes, sir.  
Q Is this child living with you and your husband at his home? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.



- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you been admitted to citizenship in the Choctaw Nation with your child by any authority whatever up to the present time? A No, sir.
- Q Do you come before the Commission to identify yourself and this child as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes, sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that article? A No, sir.
- Q You claim through John Harper and his wife? A Yes, sir.
- Q What was his wife's name? A Mary Ann I have heard them say.
- Q Both full blood Indians? A Yes, sir.
- Q You get your knowledge from family tradition do you? A Yes, sir.
- Q What relation was John Harper to you? A Great great great grandfather.
- Q Did they live in Mississippi in 1830 and have a family there then? A I don't know.
- Q Do you know of any Choctaw ancestor who did live in Mississippi or Alabama in 1830? A No, sir.
- Q Did they go to Colonel Ward within six months and register under article fourteen of the treaty of 1830? A I don't know.
- Q Did they or any of your Choctaw ancestors live on land for five years in the old Choctaw Nation and at the end of that time get a deed or patent from the government for that land? A I don't know.
- Q Did they or any of them go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory between the years of 1830 and 1840? A I don't know.

- Q Or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of them go before a Commission in 1837 or 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know.

These commissions were appointed one in 1837 by an act of congress approved March 3d of that year, and the other in 1842 by an act approved August 23 of that year, to hear the complaints of Choctaw Indians who claimed that they had tried to comply with article fourteen by making an attempt to register under Colonel Ward within six months but had been refused and because of this refusal these Choctaw Indians had had their lands taken from them and sold by the government.

- Q Did any of your Choctaw ancestors receive any scrip which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued by an act of Congress approved August 23, 1842.

- Q Do you understand or speak the Choctaw language? A No, sir.
- Q Are you related to Jasper Chambers? A Yes, sir.
- Q And to C. C. Hanks? A Yes, sir.

The case of Jasper Chambers M.C.R. 5670 is referred to for the purpose of consolidation, also the case of C. C. Hanks M.C.R. 6508.

This applicant will be allowed up to and inclusive of the 24, March 1903, for the introduction of other proof in this case if she so desired.

This applicant appears to be descended from white parents she has light hair, brown eyes and fair complexion; she has no knowledge of the Choctaw language and no knowledge of a compliance on the part of her ancestors with any of the provisions of the treaty of 1830.

-----0-----

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, on March 6, 1903 and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 14 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 6849.

Muskogee, Indian Territory, November 6, 1903.

Sarah B. Dennis,

Rothwell, Kentucky,

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6847.

Muskogee, Indian Territory, November 6, 1903.

S. Heard,

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

You are hereby advised that the Commission has this day notified Sarah B. Dennis that she will be allowed thirty days from this date in which to submit further evidence in support of the application of herself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6849

Muskogee, Indian Territory, December 3, 1903.

Sarah B. Dennis,  
Rothwell, Kentucky.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and that of Vina B. Downs; also certified copy of marriage license and certificate between J. J. Dennis and Sarrah B. Downs, offered in support of your application for identification as a Mississippi Choc-paw. The same have been filed with the record in your case.

Respectfully,

Chairman.

6

MCR.6849.

Muskogee, Indian Territory, March 21, 1904.

Sarah B. Dennis,  
Rothwell, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your minor son, C. F. Dennis, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorney of record, S. Heard, Esq., of Tishomingo, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R.6849.

Muskogee, Indian Territory, June 26, 1905.

Sarah B. Dennis,

Rothwell, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

MCR 6849

Muskogee, Indian Territory, July 21, 1905.

Sarah B. Dennis,  
Rothwell, Kentucky.

Dear Madam:

Receipt is hereby acknowledged of your letter, without date, requesting that this office furnish you \$300 with which to prosecute your claim for the identification of yourself and minor child as Mississippi Choctaws.

In reply you are informed that this office has no funds which could be furnished Mississippi Choctaw applicants for the purpose stated in your letter.

It appears that your applications is a part of the consolidated Mississippi Choctaw case of Jasper Chambers, et al., in which case the Commission to the Five Civilized Tribes decided adversely to the applicants on March 4, 1904; said decision being approved by the Secretary of the Interior on March 30, 1905.

You are further advised that your application is now considered closed and it is not believed that you and your minor child are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Commissioner.



6549

No.

6849

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MARCH 1903

Name Sarah B. Dennis

Age 23

Blood

1/16

Post Office, Rockwell, Ky.

Father: Richard J. Worms

Mother: Vina E. " "

Claims through mother, 1/8  
Husband.J. J. Dennis, I. W.  
No claims for husband.

Children:

C. F. Dennis, 11. 8m

Claims for self  
and child -

REFUSED  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 684

*Sarah B. Dennis et al*

COISION ORDER

MAR 7 1904

LOP... RECEIVED  
ATTORNEYS FOR... AND  
CHICKASAW NATION

04

NOTICE... REGION... APPLICANT.

MAR 10 1904

COPY OF... FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

7 11 31 AM  
SECRETARY OF INTERIOR.

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JO

Choctaw MCR 6850

Thomas L. Brown

MCR 6850

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 6, 1903.

6850

In the matter of the application of Thomas L. Brown for the identification of himself and his three minor children, Seldon, Lydia D. and William H. Brown, as Mississippi Choctaws.

Thomas L. Brown being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Thomas L. Brown.  
Q What is your age? A Twenty nine.  
Q What is your post office address? A Campton, Kentucky.  
Q Have you always lived in Kentucky? A Yes sir.  
Q How long have you lived in Campton? A That's been my post office.  
Q All your life? A Yes sir.  
Q Is your father living? A No sir.  
Q Is your mother? A No sir.  
Q What was your father's name? A John K. Brown.  
Q What was your mother's name? A Lydia Brown.  
Q Do you claim through your father or mother? A Mother.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your mother one quarter? A Yes sir.  
Q Was she ever recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the authorities of the United States? A No sir.  
Q What is your wife's name? A Martha Brown.  
Q Living? A Yes sir.  
Q What is her race? A She's white.  
Q Do you claim for her? A No sir.  
Q How many children--? A Three.  
Q What is the name of the oldest? A Seldon (Boy) seven years.  
Q The next? A Lydia D.; five.  
Q The next? A William H.; two.  
Q You claim for yourself and these three children? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory for yourself and children? A No sir.  
Q Or to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.  
Q Is Martha Brown the mother of these three children? A Yes sir.  
Q When and where were you married to her? A I have my certificate.

T.L.Brown---2

Certified copy of the marriage license and certificate of T.L. Brown and Martha Rose, offered in evidence, marked Exhibit "A" and made a part of the record herein.

Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830?

A Yes sir.

That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age and to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is article fourteen of the treaty of 1830 under which you claim; do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article?

A No sir, I don't know.

Q Who do you claim through? A John Harper and wife.

Q What was his wife's name? A Mary Ann; so I have been informed.

Q What relation were they to you? A He was my mother's great grandfather.

Q Was she your mother's great grandmother? A Yes sir.

Q Were both of them full bloods or how much Choctaw blood did they have? A I have been so informed; that they were full bloods.

Q Did either of them live in Mississippi or Alabama in 1830 and have a family there then? A I can't tell; I don't know.

Q Did either of them go to Col. Ward within six months after the ratification of the treaty of 1830 and register or attempt to register under article fourteen of that treaty? A I don't know.

Q Did either of them live on land in the old Choctaw Nation five years and then receive a patent from the Government? A I don't know.

Q Did either of them go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the ratification of the treaty of 1830 and the date of this application you make today? A I don't know.

Q Did either of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.

Q Did they come to this Territory with the other Indians between 1833 to 1838? A I don't know.

T. L. Brown----3

Q Did either of them go before a Commission in 1837 or 1842 and claim any benefits under article fourteen of the treaty of 1830?  
A I don't know.

These Commissions were appointed under various acts of Congress to hear the complaints of Indians who tried to register under article fourteen of the treaty of 1830 with the United States Indian agent, but because Ward the agent in Mississippi at that time refused to allow them to register their lands had been taken from them by the Government and sold; they tried to get their right afterwards under these two Commissions.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A No sir, not that I know of.  
Q This scrip was issued under an act of Congress approved August 23, 1842, and was given to Choctaw Indians who claimed their rights under article fourteen of the treaty of 1830 and also proved these rights and proved that their land had been taken from them and sold. Do you speak or understand the Choctaw language?  
A No sir.  
Q Do you want your case considered under the application of Jasper Chambers? A Yes sir.  
Q He is a relative of yours, is he? A Yes sir.

That case, M.C.R. 5670, is referred to for the purpose of consolidation; also Christopher C. Wanks et al., M.C.R. 6506 referred to as a relative of this applicant.

Q He is a relation of yours too? A Yes sir.

This applicant is allowed up to and inclusive of March 24, 1903, for the introduction of further proof in this case.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; has brown hair and brown eyes, medium dark complexion and has no knowledge of the compliance of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

-----  
Henry G. Hains being sworn on his oath attests that he reported the above case as stenographer to the Commission to the Five Civilized Tribes March 6, 1903 and that this is a full, true and correct transcript of his stenographic notes in same. *Henry G. Hains.*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles H. Sawyer*  
Notary Public.

M.C.R. 6850.

Muskogee, Indian Territory, November 6, 1908.

Thomas L. Brown,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6850

Muskogee, Indian Territory, March 18, 1904.

Thomas L. Brown,  
Campton, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your minor children, Seldon, Lydia P. and William H. Brown, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be filed by the applicants and their attorneys, will be forwarded to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.



M.C.R. 6850.

Muskogee, Indian Territory, June 26, 1905.

Thomas L. Brown,  
Compton, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

6850

No.

850

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 6 1903

Name Thomas L. Brown

Age 29 - Blood '58

Post Office, Campton. 1 Ky.

Father: John K. Brown, d

Mother: Lydia " d

Claims through mother. 1d  
wife

Martha Brown, l. w.

No claim for wife.

Children:

Seldon Brown, 7

Lydia do. " 5

William H. " 2

Claims for self  
& 3 minors

Signature H. G. Harris -

REFUSED

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 68

*Thomas L. Brown et al*

DECISION BY

MAR 4 1904

COMMISSIONER OF INDIAN AFFAIRS  
ATTORNEY GENERAL  
CHICKSAW NATIONS

MAR 4 1904

NOTICE OF DECISION BY APPLICANT. MAR 13 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION BY  
SECRETARY OF INTERIOR.

NO

NO

NO

NO

NO

NO

Choctaw MCR 6851

Mary E. Brown

MCR 6851

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 6, 1903.

6851

In the matter of the application of Thomas L. Brown for the identification of his niece, Lucy Sally, and his sister, Mary E. Brown, as Mississippi Choctaws.

Thomas L. Brown being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A Thomas L. Brown.  
Q What is your age? A Twenty nine.  
Q Are you an applicant yourself for identification as a Mississippi Choctaw? A Yes sir.  
Q Where do you live? A In Kentucky. Campton is my post office.  
Q Have you a sister named Mary E. Brown? A Yes sir.  
Q What is her age? A Forty five years.  
Q Is she single? A Yes sir.  
Q Does she live at Campton, Kentucky? A Yes sir.  
Q Do you appear before the Commission at this time for the purpose of making application for her identification as a Mississippi Choctaw? A Yes sir.  
Q Do you present this power of attorney signed by her as your authority? A Yes sir.

Said power of attorney is presented by this applicant, received, filed, marked Exhibit "A" and made a part of the records in this case.

Q Is your sister, Mary E. Brown now quarantined for small pox?  
A So was when I left.  
Q Is she sick now with small pox? A So, I have been informed.  
Q Do you want to introduce this Doctor's certificate signed by H.H. Stamper, M.D. for the reason you make this application? A Yes sir.

It is filed, marked Exhibit "B" in reference to the reason why Mary E. Brown is not able to be present and make application herself.

Q Have you a niece by the name of Lucy Sally? A Yes sir.  
Q Do you want to introduce this power of attorney authorizing you to represent her claim before the Commission? A Yes sir.

Power of attorney signed by Lucy Sally introduced by applicant, marked Exhibit "C" and made a part of the records.

Q And also do you want to introduce this doctor's certificate signed by H.H. Stamper M.D. as to the physical condition of Lucy Sally? A Yes sir.

Said doctor's certificate is presented, filed, marked Exhibit "D" and made part of the record.

(Note: The power of attorney filed in this case from Mary E. Brown to Thomas L. Brown authorizing him to represent her before the Commission and the power of attorney signed by Lucy Sally filed in this case made by her authorizing Thomas L. Brown to represent her claim before the Commission are both received by the examiner acting for the Commission, and filed conditional upon the future action of the Commission; the doctor's certificate are also accepted by the said examiner for the Commission with the understanding that this application should be subject to the future action of the Commission.)

Q What is the name of the father of Mary E. Brown? A John E. Brown.  
Q Is he living? A No sir.  
Q What is the name of her mother? A Lydia Brown.  
Q Is she living? A No sir.  
Q Through which parent does Mary E. Brown get her Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim for Mary E. Brown? A One eighth.  
Q You claim that Mary E. Brown's mother was one quarter? A Yes.  
Q Do you want to make application for Lucy Sally? A Yes sir.  
Q What relation is she to you? A My niece.  
Q How old is she? A Twenty one years old.  
Q What is her post office address? A Campton, Kentucky.  
Q Has she always lived in Kentucky? A Yes sir.  
Q Has your sister, Mary E. Brown always lived in Kentucky? A Yes, I suppose so.  
Q What is the name of the father of Lucy Sally? A L.M. Brown.  
Q Is he living? A Yes sir.  
Q What is the name of her mother? A Rosaline Brown; I don't know how it is spelled.  
Q Is he living? A Yes sir.  
Q Is Lucy Sally married? A Yes sir.  
Q Married a man named Sally? A Yes sir.  
Q What is his full name? A Henderson Sally.  
Q Through which parent does she claim her Choctaw blood? A Through her father.  
Q How much Choctaw blood does she claim? A One sixteenth part.  
Q Was her father one eighth Choctaw Indian? A Yes sir.  
Q And Rosaline Brown was a white woman I presume? A Yes sir.  
Q Was Henderson Sally a white man? A Yes sir.  
Q You don't claim for him do you? A No sir.  
Q Was the mother of your sister, Mary E. Brown, or the father of Lucy Sally ever been recognized or enrolled as Choctaw Indians by any authority whatever in the Indian Territory? A The father of Lucy Sally was enrolled here last January.  
Q You mean he made application for identification as a Mississippi Choctaw? A Yes sir.  
Q That is all you mean? A Yes sir.

Q Hasn't been recognized in any other way? A No sir.  
 Q Your sister, Mary E. Brown is single? A Yes sir.  
 Q Has Lucy Sally your niece any children? A No sir.  
 Q You are making this application for Mary E. Brown alone and Lucy Sally alone? A Yes sir.  
 Q Are their names on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, I suppose not.  
 Q Have they ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir not that I know of.  
 Q Have they ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir, not that I know of.  
 Q Have they ever been admitted to citizenship in the Choctaw Nation by any authority up to the present time? A No sir.  
 Q Do you come before the Commission at this time to identify them as Mississippi Choctaws? A Yes sir.  
 Q Do you claim for them under article four een of the treaty of 1830? A Yes sir.

That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States may shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of the ancestors of your sister, Mary E. Brown, or of your niece, Lucy Sally, complied with that article?  
 A No sir, I don't.  
 Q Your sister, Mary E. Brown claims through the same source you claim through? A Yes sir.  
 Q You both have the same father and mother? A Yes sir.  
 Q Now Lucy Sally claims through her father, L. M. Brown? A Yes sir.  
 Q What does that "L" stand for? A Leander M. Brown.  
 Q He claims through whom? A His mother.  
 Q What is her name? A Lydia Brown.  
 Q Is she living? A No sir.  
 Q Has Leander been before the Commission? A Yes sir.  
 Q His mother claimed through whom? A Her mother.  
 Q What was her name? A Annie Cox.  
 Q And she claimed through whom? A Her mother.  
 Q What was her name? A I can't tell you.  
 Q Can you go back to John Harper? I want you to show a direct line from John Harper down to Lucy Sally. A I can't tell you that name.

Q What relation was John Harper to Mary E. Brown? A John Harper was her great grandfather.

Q And does she claim through John Harper's wife? A John Harper and wife.

Q What was his wife's name? A Mary Ann I have been informed.

Q Was she the great great grandmother of Mary E. Brown? A Yes sir.

Q What relation were John Harper and wife to Lucy Sally? One generation farther removed, isn't she? A Her great great great grandfather it would be.

Q And her great great great grandmother was Mary Ann Harper? A Yes sir.

Q Well, did these great ancestors of these two applicants for whom you are making application live in Mississippi or Alabama in 1830 and have a family there then? A I don't know.

Q Did either John Harper or his wife go to Col. Ward and try to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty? A I can't state.

Q Did either of them live on land in the old Choctaw Nation for five years and then get a patent from the Government for that land? A Not that I know of.

Q Did any of the Choctaw ancestors of these applicants claim any land at all in that old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.

Q Did any of the Choctaw ancestors of these applicants for whom you apply today go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838 or 1840? A I don't know.

Q Or at any other time between the ratification of the treaty of 1830 and the date of this application you make now? A I don't know.

Q Did any of them own any land or improvements on land in the old Choctaw Nation in 1830? A I don't know.

Q Did any of the Choctaw ancestors of your sister or niece for whom you make application today go before the Commission of 1837 or 1842 and claim any benefits under article fourteen of that treaty? A Not that I know of.

These Commissions were appointed under various acts of Congress to hear Choctaw Indian claimants who had been refused registration by Col. Ward and who because of this refusal had their lands taken from them there and sold by the Government at Public Land Sale.

Q Did any of the Choctaw ancestors of these two persons for whom you are making application now receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.

Q This scrip was issued under an act of Congress approved August 23, 1842 and-- do you know whether your sister speaks the Choctaw language? A No sir, she does not.

Q Does Lucy Sally? A No sir.

Q Is your sister light or dark? A Light.

Q Blue eyes? A Yes sir.

Q Lucy Sally, is she light or dark? A Light complexion.

Q Blue eyes? A I think so.

Time will be allowed these claimants to and including the 24th day of March, 1903, for the introduction of any other proper proof in this case.



This case will be consolidated with that of Jasper Chambers M.C.R. 5670 and also the case of Christopher C. Hanks, referred to.

Q These two claimants are related aren't they to Christopher C. Hanks and Jasper Chambers? A Yes sir.

---  
Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause March 6, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles H. Sawyer*  
Notary Public.

M C R 6851

Muskogee, Indian Territory, November 6, 1903.

Thomas L. Brown,  
Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your sister, Mary E. Brown, and your minor niece, Lucy Sally, for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6851

Muskogee, Indian Territory, March 18, 1904.

Mary E. Brown,  
Campton, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by Thomas L. Brown for the identification as Mississippi Choctaws of yourself and your niece, Lucy Sally, was made a part, refusing said application.

This decision is subject to your inspection, and the record will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record in the case, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6851.

Muskogee, Indian Territory, June 26, 1905.

Mary E. Brown,

Campton, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

( 25 )

No.

451

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 6 1903

Name Thomas L. Brown, for  
parties below -

Age 29

Blood Mary E Brown  $\frac{1}{8}$

Post Office, Campton Miss -  
Mary E Brown, 45, Campton Miss

Father: John R. Brown d

Mother: Lydia  $\frac{1}{4}$  ~~and~~ d

Claims through mother  $\frac{1}{4}$

Lucy Sally, 21, Campton Miss,  $\frac{1}{16}$

f. L. M. Brown, l.  $\frac{1}{8}$

M. Rosaline .. l. 10.

~~children~~ she claims this  
father

Husband

Anderson Sally, w.

No claim for husband

of Lucy Sally -

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW

*Mary E. Brown*

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 18 1904

RECORD FORWARDED DEPARTMENT.  
JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 18 1904

RECEIVED DEPARTMENTAL  
APR 1 1904

JUN

MAILED

NOTICE OF DECISION

Choctaw MCR 6852

James Sally

MCR 6852

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. March 6, 1903.

6852

In the matter of the application of James Sally for the identification of himself and his two minor children, George L. and Emily A. Sally, as Mississippi Choctaws.

James Sally being duly sworn testified as follows:

Examination by the Commission:

Q What is your name? A James Sally.  
Q What is your age? A Twenty one.  
Q What is your post office address? A Pomeroyton, Kentucky.  
Q How long have you lived there? A All my life.  
Q What was your father's name? A H.H.Sally.  
Q Is he living? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is her name? A L.S.Sally.  
Q Through which parent do you claim Choctaw blood? A Mother.  
Q Has she been before the Commission? A No sir.  
Q How much do you claim? A One sixteenth.  
Q Do you claim that your mother was one eighth? A Yes sir.  
Q Has she ever been recognized or enrolled as a Choctaw Indian by any authority whatever? A No sir, not that I know of.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Margaret Sally.  
Q Is she living? A Yes sir.  
Q Is she Indian? A No sir.  
Q What is she? A White.  
Q Do you claim for her? A No sir.  
Q Have you any children? A Yes sir.  
Q How many? A Two.  
Q What is the name of the first one? A George L.  
Q How old is George? A Two years old.  
Q And the next one? A One month old; Emily A.  
Q You claim for yourself and these two children, do you? A Yes sir.  
Q Is Margaret Sally the mother of these two children? A Yes sir.  
Q Are you and your wife living together as husband and wife and are these children living with you at your home? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q When were you married to her and where? A I have the license.

A certified statement made by the Clerk of the County Court of Pomeroy County, State of Kentucky, as to the marriage of James Sally and Margaret Day, filed, marked "Exhibit A" and made a part of the record herein.



- Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in the Indian Territory or to the United States Commission to the Five Civilized Tribes under the act of June 10, 1896? A No sir.
- Q Have you ever been admitted by any authority as a member of the Choctaw tribe of Indians? A No sir.
- Q You want to be identified with your children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

That article under which you are making claim today was put into the treaty of 1830 to protect the interests of Mississippi Choctaw Indians who refused to go to the Choctaw Nation Indian Territory under the provisions of articles in the treaty of 1830. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled any portion of the Choctaw annuity."

- Q Do you claim through John Harper and his wife? A Yes sir.
- Q What was her name? A Mary Ann.
- Q How much Choctaw blood did they have? A Full bloods both of them.
- Q What relation were they to you? A My great great great grandmother and father.
- Q Did they live in Mississippi or Alabama in 1830 and have a family there then? A I don't know.
- Q Did either of them go to the United States Indian agent, Col. Ward within six months after the ratification of the treaty of 1830 and register or attempt to register under article fourteen of that treaty? A Not that I know of.
- Q Did either of them or any Choctaw ancestors of yours live on land in the old Choctaw Nation East of the Mississippi River for five years and obtain a patent? A Not as I know of.
- Q Did any of your Choctaw ancestors claim any land or hold any in the old Choctaw Nation under article fourteen of the treaty of 1830? A No sir not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation in Indian Territory with the other Indians between 1833 to 1836? A Not as I know of.
- A Not as I know of.

Q Did any of your Choctaw ancestors go from that old Nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application which you are making today? A Not as I know of.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A Not as I know of.

Q Did any of them go before Commissions in 1837 or 1842 and claim any rights under article fourteen of the treaty of 1830? A I don't know.

These Commissions were appointed under various acts of Congress to hear the complaints of Indians who tried to register under article fourteen of the treaty of 1830 but because they were prevented from registering by Col. Ward the agent afterwards had their lands taken from them by the Government and sold at Public Land Sale.

Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not as I know.

Q These certificates were issued to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830 and also that their land in the old Choctaw nation had been taken from them by the Government and sold at Public Land Sale. Do you speak or understand the Choctaw language? A No sir.

Q Are you related to Jasper Chambers? A Yes sir.

Q Do you want to have your case considered under his application? A Yes sir.

Q Was Christopher C. Hanks related to you? A Yes, he is.

Q What relation, do you know? A Second or third cousin.

Case of Jasper Chambers, M.C.R. 5670 referred to for the purpose of consolidation; also the case of Christopher C. Hanks M.C.R. 6508 is referred to.

Applicant is allowed to and including the 24th day of March, 1903, for the purpose of introducing further proof in this case.

Q You claim through your mother; whom did she claim through? A Her mother.

Q What was her name? A Lydia Brown.

Q Lydia Brown claimed through whom? A Annie Cox.

Q And Annie Cox claimed through whom? A I can't tell.

Q Can you go right back up to John Harper? A No sir.

This applicant has the appearance of being descended from white parentage; brown hair, blue eyes, fair complexion; He has no knowledge of the Choctaw language nor of the compliance of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

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Henry O. Paine being sworn on his oath states that as stenographer

-4-

to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause on March 6, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry L. Hains

Subscribed and sworn to before me this 31 day of March, 1903.

Charles H. Sawyer  
Notary Public.

N.C.R. 6852.

Muskogee, Indian Territory, November 6, 1903.

James Bally,

Homercyton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6852

Muskogee, Indian Territory, March 18, 1904.

James Sally,  
Pomeroyton, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, George L. and Emily A. Sally, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be held by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6852.

Muskogee, Indian Territory, June 26, 1905.

James Sally,

Pomeroyton, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

6852

No. 6852

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 6 1903

Name

James Sally

Age

21

Blood

1/16

Post Office,

Pomeroyton, Ky

Father:

H. H. Sally.

b

Mother:

L. S. Sally.

b

Claims through

mother 1/8

Wife.

Margaret Sally. b. w.

No claim for wife

Children:

George L. Sally.

2

~~Emily~~

Emily A..

1 m.

Claims for self  
a 2 m.

H. H. H. H. H.

REFUSED

FOR IDENTIFICATION A  
A MISSISSIPPI 6852  
CHOCTAW.

*James Dally et al*

REVISION PENALIZED.

MAR 4 1904

COMMISSION DECISION  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATION

MAR 18 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 18 1904

RECORD FORWARDED DEPARTMENT.  
JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

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NOTICE OF DECISION

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Choctaw M@R 6853

Chaney Bonds

M@R 6853

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Chaney Bonds, et al.,  
for identification as Mississippi Choctaws, MOC.R. 6853.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

|                                                                                                                                      | (Page) |
|--------------------------------------------------------------------------------------------------------------------------------------|--------|
| Original application of Chaney Bonds, et al., to<br>the Dawes Commission for identification as Missis-<br>sippi Choctaws-----        | 1      |
| Decision of the Commission refusing the application<br>of Chaney Bonds, et al., for identification as Mis-<br>sissippi Choctaws----- | 5      |

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. March 6, 1903.

8853

In the matter of the application of Chaney Bonds for the identification of himself and his seven minor children, Pearlle, Annie, Sam, Willie, Nancy, Chaney and Sim Bonds, as Mississippi Choctaws.

A.S. Morae; attorney for applicant.

Chaney Bonds being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Chaney Bonds.  
Q What is your age? A Thirty five.  
Q What is your post office address? A Hollywood, Mississippi.  
Q Have you always lived in Mississippi? A Yes sir.  
Q How long in Hollywood? A That's the same place.  
Q Always lived there? A Yes, I wasn't birth there.  
Q What is your father's name? A Ray Hunter.  
Q What is your mother's name? A Annie Vance.  
Q Is that her name now? A Yes sir.  
Q She married again? A Yes sir.  
Q Is Ray Hunter dead? A Yes sir.  
Q And Annie Vance is living? A Yes sir.  
Q Do you claim through your father or mother? A My father.  
Q How much Choctaw blood do you claim? A One fourth.  
Q Do you claim that your father was one half Choctaw Indian? A Yes sir.  
Q Was he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the authorities of the United States in the Indian Territory? A I don't know sir.  
Q Is your husband living? A Yes sir.  
Q Is he a colored man? A Yes sir.  
Q What is his name? A Sim Bonds.  
Q Do you make any claim for him? A No sir.  
Q Now the children; give me the oldest. A Pearlle Bonds; she's fourteen years old.  
Q What is the name of the next one? A Annie Bonds.  
Q How old? A Twelve years old.  
Q The next? A Sam; he's ten.  
Q The next? A Willie (boy) eight.  
Q Next? A Nancy; she's five.  
Q Next? A Chaney (girl) she's three.  
Q Next? A Sim; one year old.

- Q You claim for yourself and these children? A Yes sir.  
Q Is your husband, Sim Bonds, the father of these children?  
A Yes sir.  
Q Are you and he living together as husband and wife and are these children living with you at his home? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know sir; no sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory or to the Dawes Commission under the act of Congress approved June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory?  
A No sir.  
Q Do you want to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.  
Q And these children also? A Yes sir.

The treaty of 1830 was made between the United States Government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. The object of the Government in making that treaty with the Indians was to remove them with their own consent from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. A good many Choctaw Indians refused to go under the treaty and so article fourteen was drafted and put into the treaty of 1830 for their benefit. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the State shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvements of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article or not? A My great grandma I think.  
Q What was her name? A Quilla.  
Q What was the full name? A I don't know no more than Quilla.  
My aunt told me it was Quilla Hunter.  
Q She was your great grandmother? A Yes sir.  
Q Well, did she live in Mississippi in 1830? A I don't know sir where she lived.

- Q Do you know whether she ever lived in the old Choctaw nation in Mississippi or Alabama? A No sir.
- Q Don't know whether she had a family in Mississippi or Alabama in 1830? A No sir.
- Q Were either or both of your parent slaves at any time? A No sir, not as I know of.
- Q Was Quilla Hunter? A No sir.
- Q What was her husband's name, do you know? A No sir.
- Q Was this her married name or maiden name? A Married name.
- Q You claim through your father, Ray Hunter? A Yes sir.
- Q And did he claim through his father? A Through his mother.
- Q Her name was what? A Elizabeth; I don't know what; just Elizabeth.
- Q Do you know what her husband's name was? A I forget.
- Q And did Elizabeth Hunter claim through Quilla Hunter? A Yes sir.
- Q Did any of these ancestors of yours live in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of them within six months after the treaty of 1830 was ratified go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know sir.
- Q Did any of them live on land in the old Choctaw Nation five years and then get a patent for it? A I heard my aunt say that my great grandma got something.
- Q Did she live on land for five years and then get a patent for that land? A I don't know sir.
- Q What was that something she got? A \$50.00 I think.
- Q Where did she get that \$50.00? A I don't know, sir, where it was.
- Q What did she get it for? A I don't know sir.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation East of the Mississippi River to the Choctaw Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application you make today? A I don't know sir.
- Q Or at any other time between 1833 to 1838 or 1840? A No sir, I don't know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors go before a Commission in 1837 or 1842 and claim any benefits under article fourteen of the treaty of 1830? A I don't know sir.

These Commissions were appointed, one in 1837 by an act of Congress approved March 3, that year, and the other in 1842 by an act approved August 23, 1842, for the purpose of hearing Choctaw Indian claimants who tried to register under article fourteen of the treaty of 1830 but were prevented from doing so by Col. Ward the agent and as a result their land had been taken from them in the the old Choctaw nation and sold by the Government at Public Land sale.

- Q Did any of your Choctaw ancestors receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know sir.

Q This scrip was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their claims under article fourteen of the treaty of 1830 and also proved that their land in the old Choctaw nation had been taken from them and sold by the Government. Do you speak or understand the Choctaw language? A I speak a few words.

Q You cannot talk with a Choctaw Indian, can you? A No sir, I can't talk with them; I can speak a few words I heard my father. "Issy".

Q What does that mean? A Deer. And "Iffy".

Q What's that? A Dog.

Q Do you know what "Tukaloosa" is? A No sir.

Q Tukaloosa ohoya is? A No sir.

Q Choctaw fena? A No sir.

Q Oohee fonataho? A No sir.

Q Can you count in Choctaw? A No sir.

Q Have you any relatives who have been before the Commission up to this time? A No sir.

This applicant is allowed up to and including the 24th day of March, 1903, for the purpose of introducing other proof in this case if she desires to do so.

(To attorney) Any questions? A No sir.

This applicant has the appearance of being descended from negro parentage; she has no knowledge of the Choctaw language and does not know of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1830.

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Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause on March 6, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

off

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Chaney Bonds, et al.,  
for identification as Mississippi Choctaws, M.C.R. 6853.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Chaney Bonds for himself and his six minor children, Pearlle, Annie, Sam, Willie, Nancy, Chaney and Sim Bonds, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-



seventh, eighteen hundred and thirty, by reason of being descendants of Quilla Hunter, who is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Quilla Hunter, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Chaney Bonds, Pearlle Bonds, Annie Bonds, Sam Bonds, Willie Bonds, Nancy Bonds, Chaney Bonds (2) and Sam Bonds, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article



-3-

fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*James Bixby.*

Chairman.

(SIGNED)

*I. B. Needles.*

COMMISSIONER.

(SIGNED)

*C. R. Breckinridge.*

COMMISSIONER.

Muskogee, Indian Territory,

AUG 4 1903.

COMMISSIONER.

COPY.

Muskogee, Indian Territory, August 4, 1903.

Mansfield, McMurray & Cornish,  
Attorneys for the Choctaw and Chickasaw Nations,  
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Chaney Bonds, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495):

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Chaney Bonds, Pearlle Bonds, Annie Bonds, Sam Bonds, Willie Bonds, Nancy Bonds, Chaney Bonds (2) and Sim Bonds, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 4, 1903.

A. S. McRae,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Chaney Bonds, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Chaney Bonds, Pearlle Bonds, Annie Bonds, Sam Bonds, Willie Bonds, Nancy Bonds, Chaney Bonds (2) and Sam Bonds, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which

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to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Register

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, August 4, 1903.

Chaney Bonds,  
Hollywood, Mississippi.

Dear Madam:

You are hereby advised that on the 4th day of August 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Chaney Bonds, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Chaney Bonds, Paerlie Bonds, Annie Bonds, Sam Bonds, Willie Bonds, Nancy Bonds, Chaney Bonds (2) and Sim Bonds, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

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office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Register

COPY:

Muskogee, Indian Territory, August 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Chaney Bonds, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 4, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the Commissioner of Indian Affairs.  
S Enc. M.C.R. 6853

Commissioner in Charge.

(COPY).

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

Oct. 30, 1903.

Land.  
54,345-1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit, for departmental action, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Chaney Bonds for <sup>the</sup> identification of himself and his six minor children, Pearlle, Annie, Sam, Willie, Nancy, Chaney and Sim Bonds, as Mississippi Choctaws, wherein a decision rejecting them was entered by the commission on August 4, 1903.

An examination of the record in this case shows that the applicants found their claims to a right to identification on their descent from Quilla Hunter and Elizabeth Hunter, her daughter. It is alleged that Quilla Hunter was a Choctaw Indian in 1830, but as to whether she resided in the Choctaw Nation, in Mississippi or Alabama, the witness is unable to state, nor is he able to say where she lived at that time. However, he says he thinks she complied with the provisions of the 14th article of the Choctaw treaty.

The applicants were rejected by the commission for the reason that its records failed to show that Quilla Hunter complied with



the provisions of the 14th article of the Choctaw treaty or the subsequent legislation relative thereto.

An examination of the records of this office made relative to the names of Quilla Hunter and Elizabeth Hunter shows that their names do not appear as having been beneficiaries under the provisions of the 14th article of the Choctaw treaty or the subsequent legislation relative thereto.

I therefore recommend that the decision of the commission rejecting them be approved.

Very respectfully,

W.A.Jones,  
Commissioner.

(E.B.H.)P.

(COPY).

W.C.F.  
F.H.E.

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

November 25, 1903.

D.C. 33015.  
I.T.D. 7810-1903.  
L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:-

August 20, 1903, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Chaney Bonds (M.C.R. 6853), for himself and his six minor children, Pearlle, Annie, Sam, Willie, Nancy, Chaney and Sim Bonds, including your decision of August 4, 1903, refusing to identify them as such.

The applicants claim rights to Choctaw lands under article 14 of the Choctaw treaty of 1830, by reason of being descendants of Quilla Hunter, and her daughter, Elizabeth Hunter, it being alleged that said ancestors were Choctaw Indians.

The evidence furnished by the record, as well as the records of the Indian Office, fails to show that said ancestors ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter October 30, 1903, the Commissioner

of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

M.C.R. 6853.

Muskogee, Indian Territory, December 5, 1903.

Chaney Bonds,

Hollywood, Mississippi.

Dear Madam:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Chaney Bonds et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

*Tame Dixie*

Chairman.

M.C.R. 6853.

Muskogee, Indian Territory, December 5, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Chaney Bonds et al., of which decision you were advised by mail on the 4th day of August, 1903.

Respectfully,

*Samuel D. Smith*  
Chairman.

M.C.R. 6853

Muskogee, Indian Territory, December 5, 1903.

A. S. McRae,  
Attorney at Law,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 25th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Chaney Bonds et al., of which decision you were advised by registered mail on the 4th day of August, 1903.

Respectfully,

(SIGNED)

*John C. Doby.*

Chairman.

6853

No.

6853

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MARCH 1903

Name Chaney Bonds.

Age 35. Blood  $\frac{1}{4}$ 

Post Office, Hollywood, Miss.

Father: Ray Hunter, d

Mother: Annie Vance l

Claims through father,  $\frac{1}{2}$ 

Husband

Sim Bonds, l. cal

no claim for husband

Children:

Pearlie Bonds 14

Annie " 12

Sam " 10

Willie " M 8

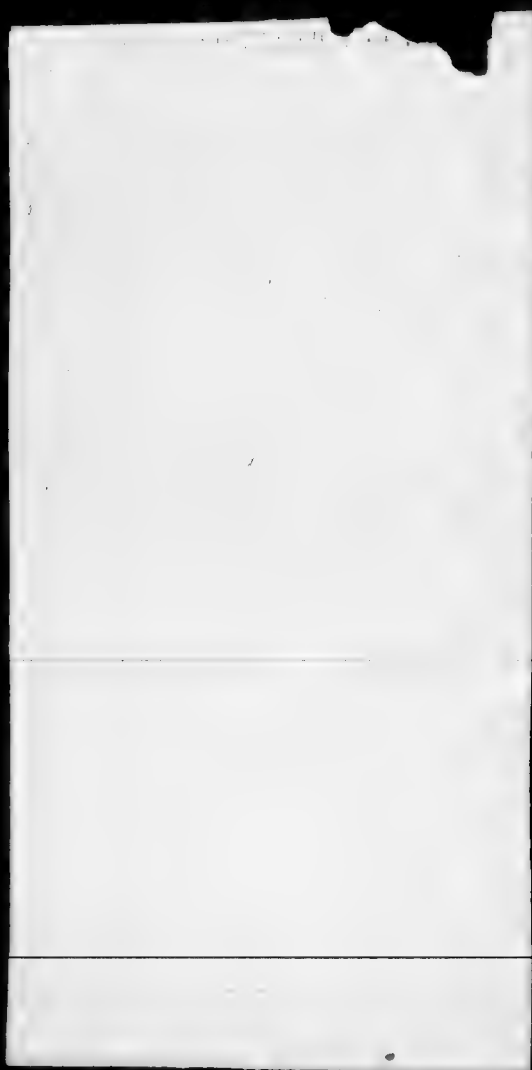
Nancy " 5

Chaney " F 3

Sim " 1

Claims for self &  
children

Stenographer H. G. Hamlin





Choctaw MCR 6854

John W McKnabb

MCR 6854

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. March 7, 1903.

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In the matter of the application of James McKnabb for the identification of his eight minor children, John W., Thomas F., Isaac M., Lillie A., Charlie E., George O., James B. and Mattie L. McKnabb as Mississippi Choctaws.

James McKnabb being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James McKnabb.  
Q What is your age? A Fifty-one years old.  
Q What is your post office address? A McCormick, Ky.  
Q Have you always lived in Kentucky? A I was born in Virginia been there for the last forty years I guess.  
Q Are you a white man? A Yes, sir.  
Q Do you make application for your minor children who claim through your wife? A I claim through Harper.  
Q They claim through their mother? A Yes, sir.  
Q Is your wife living? A No, sir, she is dead.  
Q Do you want to introduce authority which makes you the guardian of these children? A Yes, sir.

An instrument signed by G. M. Derickson, county Judge of Powell County Court, appointing James McKnabb guardian of his minor children, is introduced by applicant, filed, marked "Exhibit A" and made a prt of the record in this case.

Marriage certificate of James F. McKnabb and Louisa E. Lewis presented by applicant. Filed marked "Exhibit B" and made part of the record in this case.

- Q Do you make application for your minor children to day? A Yes, sir.  
Q What is the name of your oldest child? A John W. McKnabb.  
Q How old is he? A He will be twenty-one in August.  
Q What is the name of the next? A Thomas F.  
Q How old? A About 18.  
Q Next? A Isaac M.  
Q How old? A Sixteen.  
Q Next? A Lillie A., fourteen years old.  
Q Next? A Charlie E.  
Q How old? A Why he will be thirteen-  
Is twelve now? A Yes, sir.  
Q Next? A George O.  
Q How old? A He is eight years old.  
Q Next? A James B.  
Q How old? A Four past.

- Q Next? A Mattie L.  
 Q How old? A Nine years old.  
 Q You claim for these children do you? A Yes, sir.  
 Q You are the father of these children are you? A Yes, sir.  
 Q What is the name of the mother of these children? A Louisa Lewis.  
 Q That was her maiden name? A Yes, sir.  
 Q Is she dead? A Yes, sir.  
 Q These children claim through their mother do they? A Yes, sir.  
 Q How much Choctaw blood did she have? A One-eighth I reckon - One-fourth I guess.  
 Q How much do you claim for the children? A One-eighth I reckon.  
 Q You are not sure? A No, one-eighth or one-sixteenth, I wouldn't say which.  
 Q Was your wife Louisa ever recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States court in Indian Territory? A No, sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation for these children before? A No, sir never.  
 Q Has any application ever been made for these children in the Choctaw Nation either to the Choctaw tribal authorities or the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
 Q Do you come before the Commission to identify them as Mississippi Choctaws? A Yes, sir.  
 Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.

You are claiming under article fourteen of the treaty of 1830. Now a treaty is a contract, or more properly a contract in writing, made between nations instead of between individuals. You know what a contract is and you know what a contract in writing is. Now if you make the parties to the contract nations instead of individuals you call it a treaty. An article in a treaty is one of its paragraphs. Now in 1830 at a place in Mississippi called Dancing Rabbit Creek a compact or treaty was made between the United States government and the Choctaw tribe of Indians. The object of the government in making that treaty with the Indians was to get them to consent to remove from the old Choctaw Nation, which was in Mississippi and Alabama, from that old Nation to the Choctaw Nation Indian Territory; but an Indian is the hardest human to induce to remove from where he and his people have always lived. A Great many of these Choctaw

Indians refused to go to the new country and in order to protect the interest of those who stayed back in the old Choctaw Nation, article fourteen was put into the treaty, and is the article you are claiming under today. Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and

forty acres of land to be bounded by sectional lines of survey in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of the Choctaw ancestors of these children comply or attempt to comply with any of the provisions of that article? A I don't know.
- Q You claim through John Harper do you? A Yes, sir.
- Q What relation was John Harper to these children? A Great great grandfather I reckon.
- Q Three greats? A Yes, sir.
- Q Do you claim for them through John Harper's wife? A Yes, sir.
- Q What was her name? A Mary Ann I suppose.
- Q There you are supposing again? A I never saw her.
- Q John Harper and his wife Mary Ann are the names so far as you know from family history and tradition? A Yes, sir.
- Q Were they full blood Choctaw Indians both of them? A Yes, sir.
- Q Did they live in Mississippi or Alabama at any time? A Well I don't know.
- Q Did you ever hear that they, or either of them, lived in Mississippi in 1830 and were heads of families, or were they married and living there then? A I never heard that they was.
- Q Did either go to Colonel Ward within six months from the ratification of the treaty and tell him they wanted to stay there take lands and become citizens of the states? A No, sir, I don't know.
- Q Did either live on land in the old Choctaw Nation and after residing on same for five years get a patent from the government? A No, sir.
- Q Did any of their Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Indian territory at any time, or did any of the Choctaw ancestors go between the ratification of the treaty of 1830 and the date of this application made by you for them today? A I don't know.
- Q Did any of the Choctaw ancestors of these children own any improvements in that old Choctaw Nation in 1830? A No, sir.
- Q Did any of their ancestors claim any land in the old Choctaw Nation in 1830? A No.
- Q Did any of the Choctaw ancestors of these children go before a ~~Commission~~ commission in 1837 or 1842 and claim any benefits under article 14 of the treaty of 1830? A I don't know.

These commissions were appointed by various acts of Congress to hear the complaints of Choctaw Indians who had tried

6854-4

to register under article 14 of the treaty of 1830. The reason why they didn't register was because Colonel Ward refused to allow them to do so and as a result their land was taken from them and sold by the government at its public land sales.

- Q You never heard that either of their Choctaw ancestors went before either of these Choctaw commissions? A No, sir, I have heard it said he went back to Mississippi.
- Q Who told you this? A Mrs. Cowan.
- Q Do you think you can get her testimony in this case? A I don't know.
- Q How old is she? A Eighty-four.

You will be allowed up to and inclusive of the 24th day of March 1903 for the purpose of introducing any other testimony in this case that you may desire to introduce here in support of this application made by you on behalf of these children.

- Q Did any of the Ancestors of these children receive any scrip from the government which entitled them to select land wither in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued by an act of Congress approved August 23, 1842.

- Q These children don't speak Choctaw do they? A No, sir.
- Q How is the personal appearance of these children? A John is dark and has dark hair.
- Q How about his eyes? A Right dark, they are black eyes.
- Q How about Thomas? A Blue eyes and light hair.
- Q Isaac? A Black hair and brown eyes.
- Q Lillie A.? A She has light hair and blue eyes.
- Q Charlie E.? A Light headed blue eyes.
- Q George O.? A Dark hair blue eyes.
- Q James B.? A Light hair and blue eyes.
- Q Mattie L.? A Light headed blue eyes.

The case of Jasper Chambers M.C.R. 5670 is referred to for the purpose of consolidation; also the case of C. C. Hanks, et al., M.C.R. 6508 being descended from the same common ancestors.

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Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 7, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 11 day of March 1903.

*Charles H. Hefner*

Notary Public.

M C R 6854

Muskogee, Indian Territory, November 6, 1903.

James McKnabb,

McCormick, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your minor child, John W. McKnabb, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 18, 1904.

John W. McKnabb,  
McCormick, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by James McKnabb for the identification as Mississippi Choctaws of yourself and your seven brothers and sisters, Thomas F., Isaac M., Lillie A., Charlie E., George O., James B. and Mattie L. McKnabb, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.



M.C.R.6854.

Muskogee, Indian Territory, June 26, 1905.

John W. McNabb,

McCormick, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.



6654

No.

6854

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7 1902

Name James Mc Knabb (u)  
 guardian for 8 minors  
 Age 51 Blood of mother  $\frac{1}{4}$

Post Office, McCormick, Ky  
 of children

Father: James Mc Knabb L.

Mother: Louisa " (d)

children  
 Claim through mother  $\frac{1}{4}$

## Children

John W. Mc Knabb, 20  $\frac{1}{8}$

Thomas F. " 18

Isaac M. " 16

Lizzie A. " 14

Charlie E. " 12

George O. " 8

James B. " 4

Matthie L. " 9

claim for 8 minors

No. 6654, 6854, 6854, 6854

FOR IDENTIFICATION AS R.685  
A MISSISSIPPI CHOCTAW.

*John W. McKnabb*

DECISION

1 1904

COPY

ATTORNEY

CHICKASAW

MAILED  
JAN 10 1904

1904

NOTICE OF DECISION MADE BY THE COMMISSIONER MAR 13 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

M

NOT  
FILED

Choctaw MCR 6855

Charles H. Cheatham

MCR 6855

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I. T. March 7, 1903.

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In the matter of the application of Charles H. Cheatham for the identification of himself and his five minor children, Fred E., Georgie L., Mary C., Ethel B. and Lyle Cheatham as Mississippi Choctaws.

Thomas & Harrison Attorneys.

Charles H. Cheatham being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Charles H. Cheatham.  
Q What is your age? A Thirty-two.  
Q What is your post office address? A Shawnee, Okla.  
Q How long have you lived in Oklahoma? A Eleven months.  
Q Where were you born? A Butler, Mo.  
Q And always lived in Missouri until you went to Oklahoma? A with the exception of five years.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Firman Cheatham.  
Q What was your mother's name? A Mary M. Redman.  
Q Do you claim through your father or mother? A Father.  
Q Has your father been recognized or enrolled as a Choctaw Indian by either the Choctaw tribal authorities or the United States court in Indian Territory? A No, sir.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Mary Lizzie.  
Q She is living? A Yes, sir.  
Q And is a white woman? A Yes, sir.  
Q You don't make any claim for her? A No, sir.

The marriage license of Charles H. Cheatham and Lizzie Redmond is presented by this applicant, filed, marked exhibit "A" and made a part of the record in this case.

- Q Is this name in the license your wife Lizzie Cheatham? A Yes, sir.  
Q Have you the proof of the marriage of your father and mother with you? A No, sir.  
Q When were they married and where, if you remember? A They were married in Kentucky.  
Q By a minister under a license? A Yes, sir.  
Q What are the names of your children? A Fred E. Cheatham.  
Q How old is he? A Eleven.  
Q The next? A Georgie L..  
Q Is that one a girl? A Yes, sir.

- Q How old? A She is Nine.  
 Q Next? A Mary C. Cheatham.  
 Q How old? A Age seven.  
 Q The next? A Ethel B.  
 Q How old? A Age five.  
 Q The next? A Lyle C.  
 Q Boy? A Yes, sir, age two.  
 Q Is your wife Mary the mother of these children? A Yes, sir.  
 Q You claim for yourself and these children do you? A Yes, sir.  
 Q Are these children living with you at your home? A Yes, sir.  
 Q Is your name with the names of these children on any of the tribal rolls of the Choctaw Nation? A No, sir.  
 Q Have you ever made application for citizenship to the Choctaw tribal authorities? A No, sir.  
 Q Have you ever made such application to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
 Q Have you or these children ever been admitted to citizenship in the Choctaw Nation by any authority up to the present time? A No, sir.  
 Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes, sir.  
 Q Do you claim under article 14 of the treaty of 1830? A Yes, sir.  
 Q Do you understand that article. That is the article I explained a while ago? A Partially I suppose.

The treaty of 1830 was made by the United States government at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of the treaty was to move the Choctaw Indians from the Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians and in order to protect the interest of those Indians article 14 was drafted and put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with the provisions of that article. Do you know? A No.
- Q What is the name of your ancestor that you claim through? A John Harper.
- Q Do you claim through his wife? A John and Mary Ann Harper both.
- Q Husband and wife? A Yes, sir.
- Q What relation was John Harper to you? A I suppose he was my great great grandfather.
- Q And Mary Ann was your great great grandmother? A Yes, sir.
- Q How much Choctaw blood did John Harper and his wife have? A Full blood.
- Q Both of them? A Yes, sir.
- Q Do you know whether they were married and living in Mississippi or in Alabama in 1830? A I don't think they were in 1830.
- Q Do you know where they were living in 1830? A They lived in Kentucky about 1830. They had been in Mississippi in about 1827 or 8.
- Q And previously to that date were living in Kentucky? A Yes, sir.
- Q And then went back to Kentucky? A Yes, sir.
- Q Do you know that they within six months after the ratification of the treaty of 1830 went to Colonel Ward and attempted to register under article 14 of the treaty of 1830? A Well I have understood that they went with the purpose of registering, but as to the date I am not sure.
- Q Did they go to Colonel Ward? A I don't remember.
- Q Did they register? A No, sir, I think not.
- Q Do you know why they didn't? A Well they were refused.
- Q By whom? A Whoever the judge was.
- Q Do you know that they tried to register under article 14 of that article of the treaty of 1830? A Well yes.
- Q You have heard that? A Yes, sir.
- Q This is only family history and tradition? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors lived on land in that old Choctaw Nation for five years after the treaty of 1830 was ratified and then got a patent from the government? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know of.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830 or 1831? A No, sir.
- Q Did any of your Choctaw ancestors go before a Commission in 1837 or 1842 and claim any rights under article 14 of the treaty of 1830? A Not that I know of.

These commissions were appointed by various acts of Congress for the purpose of hearing the claims of Choctaw Indians who tried to register under article 14 of the treaty of 1830, but because they were refused registration by Colonel Ward their land was taken from them by the government and sold.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or New Arkansas? A I think not.

This scrip was issued under an act of Congress approved August 23, 1842.

- Q Do you speak or understand the Choctaw language? A No, sir.  
 Q Are you related to Jasper Chambers? A No, sir.  
 Q Are you related to C. C. Hanks? A No, sir.  
 Q Well Jasper Chambers and C. C. Hanks have both been before the Commission to be identified as Mississippi Choctaws and both claim through John Harper and Mary Ann Harper? A I am claiming through the Cheathams.  
 Q Do you know whether John Harper and Mary Ann Harper are the same ancestors through whom these other claimants are making their claim? A No, sir I never knew anything about these people.

Statement by Attorney.

It is assumed that John Harper had two daughters, one married a Hanks and the other a Chambers as I understand it. This Mr. Cheatham claims through the Chambers line and it is quite possible that he doesn't know anything about this other line.

Reference is made to the application of Jasper Chambers and also C. C. Hanks M.C.R. 5670 and 6508. This applicant claims through John Harper and his wife, in some cases the name of the wife is not known, but this applicant is not positive that he is related to Jasper Chambers or C. C. Hanks- in other words he has no knowledge of a relationship with these parties.

This applicant will be allowed up to and inclusive of March 24, 1903 for the introduction of other proof if he so desires

Examination by Attorney:

- Q Mr. Cheatham in part of your testimony you claimed that John Harper made no attempt to comply with article 14 of the treaty of 1830 but when the question was put to you again you stated he did. Now did John Harper make an attempt to comply with the 14th article of this treaty? A Yes, sir.  
 Q Was John Harper the head of a family in 1830? A Yes, sir.  
 Q When did he live in Mississippi? A About 1837 or '38 I think.  
 Q Where did he go from Mississippi? A To Kentucky.  
 Q Have you heard when he returned to Mississippi from Kentucky? A Yes, sir I understand that he did.  
 Q Do you remember when? A No, sir.  
 Q But you have heard that he did and why? A Yes, sir.  
 Q Why did he go? A He went back to Mississippi with the intention of registering his claim.  
 Q You don't remember that he lived in Mississippi after his attempt to register? A No, sir.

This applicant has the appearance of being descended from white parentage, he has brown hair, redish brown mustache, brown

6855-5

eyes, has no knowledge of a compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

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Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 7, 1903, and the foregoing is a full & true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 20 day of March 1903.

*Charles H. Sawyer*

Notary Public.



M.C.R. 6855.

Muskogee, Indian Territory, November 6, 1903.

Charles H. Cheatham,

Shawnee, Oklahoma,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6855.

Muskogee, Indian Territory, November 6, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

You are hereby advised that the Commission has this day notified Charles H. Cheatham that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 19, 1904.

Charles H. Cheatham,  
Shawnee, Oklahoma.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your five minor children, Fred E., Georgie Lee, Mary C., Ethel B. and Lyle C. Cheatham, was made a part, refusing said application.

You are further advised that a copy of such decision has ~~been~~ furnished your attorneys of record, Messrs. Thomas & Harrison, Muskogee, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by the attorneys of record in your case, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6855.

Muskogee, Indian Territory, June 26, 1905.

Charles H. Cheatham,  
Shawnee, Oklahoma.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on 19th day of March, 1904.

Respectfully,

Chairman.

6855

No. 1855

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7 1903

Name Charles H. Cheatham

Age 32

Blood

Post Office, Shawnee, Okla.,

Father: Firman Cheatham, d

Mother: Mary M. .. d

Claims through father -

~~to~~ wife:

Mary Lizzie Cheatham l. w.

No claim for wife.

Children:

Fred E. Cheatham, "

Georgie Lee .. F. 9

Mary C. .. " 7

Ethel B. .. " 5

Lyle C. .. " 2

Claim for wife &  
children

Charles H. Cheatham

RECEIVED  
FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW,

R. 6855

*Charles G. Heathman*

CC  
AT  
CH. G.

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

RECORDED

Choctaw MCR 6856

Midia Carter

MCR 6856

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 7, 1903.

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In the matter of the application made by Marvin W. Carter for the identification of his wife Midia Carter as a Mississippi Choctaw.

S. Heard attorney for applicant.

Marvin W. Carter being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Marvin W. Carter.  
Q What is your age? A Twenty-three.  
Q You don't claim any Choctaw blood? A No, sir.  
Q You are a white man and you apply for your wife whom you claim has Choctaw Indian blood? A Yes, sir.  
Q What is her name? A Midia.  
Q What is her age? A Eighteen.  
Q What is her post office address? A Jackson, Ky.  
Q How long has she lived at Jackson Kentucky? A All her life.  
Q Are you and she living together as husband and wife now? A Yes, sir.  
Q Is it your purpose in coming before this commission at this time to make application for her as a Mississippi Choctaw? A Yes, sir.

A power of attorney signed by Midia Carter, appointing Marvin W. Carter her true and lawful attorney to present her claim before the Commission is presented by Marvin W. Carter in this case. Received, filed and marked exhibit "A" and made a part of the record in this case.

A doctors certificate signed by W. P. Hogg as to the physical condition of Midia Carter is presented by Marvin Carter. Received, filed, marked exhibit "B" and made a part of the record in this case.

These documents are received by the examiner for the Commission subject to the approval of the Commission.

Certified copy of the marriage license and certificate of the marriage of Marvin W. Carter and Midia Horton, same received marked exhibit C and made a part of the record in this case.

- Q What is the name of your wife's father? A Henry Horton.  
Q Is he living? A No, sir dead.  
Q What is the name of the mother of your wife? A Laura Horton.



- Q Is she living? A Yes, sir.
- Q Through which parent does your wife claim her Choctaw blood?  
A Through her mother? X
- Q How much Choctaw blood has your wife? A One-eighth I suppose.
- Q Was her mother one-fourth Choctaw blood? A I presume so.
- Q You don't know? A No, sir.
- Q Has your wife's mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States Court in Indian Territory? A She has made application I believe
- Q Do you know when that application was made for herself? A No, sir.
- Q That is the only claim she has ever made? A Yes, sir.
- Q Have you any children by your wife? A No, sir.
- Q You don't care to make any application except for her? A No one else, No, sir.
- Q Is your wife's name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Has any application ever been made for her for citizenship in the Choctaw Nation to the Choctaw tribal authorities or the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Do you want to identify her now as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir, I have heard it.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q How do you know whether your wife's ancestors have ever complied with that article or not? A No, sir they never have.
- Q What are the names of her ancestors through whom she claims?  
A John Harper and Polly Ann. Polly or Mary I don't know which, she goes by both names.

- Q How much Choctaw blood did they have? A Full blood.
- Q What relation to your wife was John Harper and his wife? A I couldn't tell exactly.
- Q Do you know whether they lived in Mississippi in 1830 and were married then? A I don't know whether they were married or not they lived there.
- Q Do you know whether they were married there then? A I don't know.
- Q Were they living there at that time? A No, sir, they were living in Kentucky.
- Q Do you know when and where they were born? A No, sir.
- Q Do you know when and where they died? A In Kentucky I guess.
- Q Through whom did your wife's mother Laura get her Choctaw blood? A She got it through her father.
- Q And her name was what? A Hanks.
- Q Full name? A I don't know.
- Q Through whom did he get his Choctaw blood? A Through his mother I suppose.
- Q Do you know what her name was? A No, sir.
- Q Do you know whether your wife's ancestors, any of them, lived on land in the old Choctaw Nation for five years and at the end of that time got a patent from the government? A No, sir.
- Q Did you ever hear whether they claimed any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't think they had.
- Q Did any of the Choctaw ancestors of your wife go to Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register? A He went there and attempted and was refused by Ward, and I have heard that Harper referred to Ward as an old drunken pup.
- Q When he went to Ward and was refused where did he go? A New Orleans.
- Q Your family history is that when he went to register he went to New Orleans? A That is my understanding.
- Q You didn't hear that he went to Ward's office in Mississippi to register then? A I heard he went before one man named Ward but where I don't know.
- Q Was that in New Orleans when he went before that man? A It was where they heard the claims at that time.
- Q Did any of the Choctaw ancestors of your wife go from that old Choctaw Nation east of the Mississippi river at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir never did.
- Q Did you ever hear that any of them went before the commission of 1837 or the commission of 1842 and claimed any benefits under article 14 of that treaty? A No, sir.
- Q You understand that do you not? A Yes, sir, I think the reason because Harper didn't go there was because he was taken sick.
- Q Are you speaking of the commissions of 1837 and 1842? A I don't know he was living then or not.
- Q You think he died when he came back home? A

In 1842 by an act of congress approved August 21d of that year scrip was issued to Indians who proved their rights under

6856-4

article 14 of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw Nation and sold by the government.

- Q Do you know whether any of the ancestors of your wife received any of this scrip? A No, sir.
- Q Does your wife speak the Choctaw language? A No, sir.
- Q Is she related to Jasper Chambers? A She may be she claims relation to C. C. Hanks, he is her uncle.
- Q She is a niece of C. C. Hanks? A Yes, sir, her mother was his sister I presume.

The case of Jasper Chambers M.C.R. 5670 is referred to for the purpose of consolidation; also the case of C. C. Hanks M.C.R. 6508.

This applicant is allowed time to and inclusive of the 24th day of March 1903, for the introduction of other proof if she so desires.

- Q What is your wife's personal appearance? A She has dark hair eyes dark brown and skin is dark.
- Q She doesn't understand the Choctaw language? A Not a particular.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause heard on March 7, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date

Subscribed and sworn to before me this 26 day of March 1903.

*Charles H. Sawyer*  
Notary Public.

M C R 6856

Muskogee, Indian Territory, November 6, 1903.

Marvin W. Carter,

Jackson, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your wife, Midia Carter, for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 6, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Marvin W. Carter that he will be allowed thirty days from this date in which to submit further evidence in support of the application of his wife, Midia Carter for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6856

Muskogee, Indian Territory, March 19, 1904.

Marvin M. Carter,

Jackson, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of Kidia Carter as a Mississippi Choctaw was made a part, refusing said application.

You are further advised that the attorney of record in your case, W. L. Heard, Tahlequah, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

M.C.R.6856.

Muskogee, Indian Territory, June 26, 1905.

Midia Carter,

Jackson, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6856

No.

856

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7 1903

Name *Media Carter, by*  
*Marion W. Carter (white) - 23*  
Age *female 18* Blood *female 18*

Post Office, *Jackson, Ky. - - - -*

Father: *Henry Horton. d*

Mother: *Laura " l*  
*wife*

Claims through *mother, 1/4..*

*Herbert Marion W. Carter.*  
*(w)*

*No claim for*  
*husband*

~~CN~~ *Notes:*

*Claims for wife*  
*alone*

*Marion W. Carter.*



by Marvin H. Carter

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

685

Minor Carter

1904

NO.

C.

ATT.

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

Choctaw MCR 6857

Wick Landrum

MCR 6857

Department of the Interior  
Commission to the Five Civilized Tribes.  
March 7, 1903, Muskogee, I.T.

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In the matter of the application of Wick Landrum for the identification of himself and his minor child Robert C. Landrum as Mississippi Choctaws.

S. Heard attorney for applicant.

Wick Landrum being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Wick Landrum.  
Q How old are you? A Twenty-four.  
Q What is your post office address? A Toliver, Ky.  
Q How long have you lived at Toliver? A All my life.  
Q Is your father living? A Yes, sir.  
Q Is your mother? A Yes, sir.  
Q What is your father's name? A Albert Landrum.  
Q What is your mother's name? A Nannie.  
Q Do you claim through your father or mother? A Through my mother.  
Q How much Choctaw blood do you claim? A I claim one-eighth.  
Q Is she one-fourth? A Yes, sir.  
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States Court in Indian Territory? A She has been.  
Q She has been before the commission herself? A No, sir, by a power of attorney by Mr. Hanks.  
Q Why didn't she come? A She wasn't able, her mother was there and was very old and she couldn't.  
Q She didn't come because she couldn't leave her mother? A Yes, sir.  
Q Your mother is not sick is she? A No, sir.  
Q What is your wife's name? A Liuelia.  
Q She is living and a white woman is she? A Yes, sir.  
Q Give the name of your oldest child? A Robert C.  
Q How old is he? A Two years old.  
Q The next child? A I haven't got nary next.  
Q Is your wife Liuelia the mother of Robert C. Landrum? A Yes, sir.  
Q Are you and your wife living together as husband and wife and is this child living with you? A Yes, sir.  
Q Have you the proof of your marriage with her with you? A Yes, sir.

Certified copy of the marriage license and certificate of Wick Landrum and Liou Sweeney is presented by applicant. Filed marked exhibit "A" and made a part of the record in this case.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you come before the Commission now to identify yourself as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A Yes, sir, I think so.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now that is article 14 of the treaty of 1830 under which you are making your claim. Did any of your Choctaw ancestors comply or attempt to comply with that article? A No, I don't know.
- Q What ancestor do you make your claim through? A John Harper and his wife.
- Q What relation were they to you? A He was my great great grandfather.
- Q Was she your great great grandmother? A Yes, sir.
- Q Were they full blood Indians? A Yes, sir.
- Q Is your information based upon family history and tradition? A I don't understand.
- Q Well do you get that fact any other way except from your family history? A No, sir family history is all I know.
- Q Were they living in Mississippi or Alabama in 1830 and were they married there then? A I don't know.

- Q Did you ever hear that they lived in the old Choctaw Nation? A No I nefer heard.
- Q They used to live where? A I have heard they lived in Kentucky.
- Q Did either of them go to Colonel Ward within six months from the ratification of the treaty of 1830 and register or attempt to register under article 14 of the treaty? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation in Mississippi or Alabama for five years and at the end of that time get a patent from the government? A No, sir.
- Q Did any go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir.
- Q Did you ever hear that any of your ancestors went between the years of 1833 and 1838 at the expense of the government? A No, sir.
- Q Did any of your ancestors own improvements on land in Mississippi or Alabama in 1830? A No, sir.

In 1837 a Commission was appointed which commission went to Mississippi and heard claimants under article 14 of the treaty of 1830, in 1842 another commission was appointed. These two commissions were appointed to hear the complaints of indians who tried to register under article 14 of the treaty of 1830 but were refused by Colonel Ward and because of Ward's refusal the land which they held in the Old Choctaw Nation and which they desired reserved for themselves was taken from and sold by the government at its public land sales.

- Q Do you know whether any of your Choctaw ancestors went before either of the commissions? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land wither in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued under an act of Congress a proved August 23, 1842 and was issued to those Choctaw Indians who proved their rights under article 14 and also proved that their land had been taken from the m in the Old Choctaw Nation and sold by the government.

- Q Do you understand or speak the Choctaw language? A No, sir.
- Q Are you related to Jasper Chambers? A Yes, sir.
- Q What relation? A About second cousin.
- Q What relation are you to C. C. Hanks? A Second cousin.
- Q Do you want to have you case considered under the case of Jasper Chambers? A Yes, sir.

The application of Jasper Chambers P.C.R. 5870 is referred to for the purpose of consolidation; also the case of C. C. Hanks is referred to.

This applicant will be allowed up to and inclusive of the 24th day of March 1903, for the introduction of further proof in this case if he so desires.

6857-4

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, ruddy complexion has no knowledge of the Choctaw language and no knowledge of a compliance on the part of any of his ancestors with any of the provisions of the 14th article of the treaty of 1830.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Ind. Ter. on March 7, 1903, and the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 26th day of March 1903.

*Charles H. Sawyer*  
Notary public.

M.C.R. 6857.

Muskogee, Indian Territory, November 6, 1903.

Wick Landrum,

Tolliver, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6857.

Muskogee, Indian Territory, November 8, 1903.

S. Board,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Wick Landrum that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



H.C.R.6857

Muskogee, Indian Territory, March 19, 1904.

Wick Landrum,

Tolliver, Kentucky.

Dear Sir:

You are heroby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., on which the application made by you for the identification of yourself and child, Robert J. Landrum, as Mississippi Choctaws, was made a part, refusing said application.

You are further advised that the attorney of record in your case, Mr. S. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

M.C.R.6857.

Muskogee, Indian Territory, June 26, 1905.

Wick Landrum,

Toliver, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6857

No. 6857

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7, 1903

Name Wick Landrum.

Age 24 - Blood 1/8

Post Office, Polk, Ky -

Father: ~~Alber~~<sup>Albert</sup> Landrum. C.

Mother: Nannie " C.

Claims through mother, " ~~W~~

Wife.

~~Lee~~

~~Lee~~

Livella Landrum C. W.  
No claim for wife

Children:

Robert P. C. Landrum. 2

Claims for self  
and 1 minor

Monographs: Chas. Rogers & Co.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. G. G.

*Mississippi Choctaw*

NO. 1 1904

CH. CHOCTAW

NO. 1

ALL

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

Choctaw MCR 6858

Robert B. Day

MCR 6858

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 7, 1903.

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In the matter of the application of Robert B. Day for identification as a Mississippi Choctaw.

Robert B. Day being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Robert B. Day.  
Q What is your age? A Twenty-two.  
Q What is your post office address? A Midland, Texas.  
Q How long have you lived there? A About three year.  
Q Where were you born? A In Kentucky.  
Q How long did you live in Kentucky? A Until three years ago.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A F. N. Day.  
Q What is your mother's name? A Zerilda Day.  
Q Has she been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.  
Q When in January of this year? A In January I believe it was.  
Q You claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q How much do you claim your mother has? A One-eighth.  
Q Has she ever been recognized or enrolled as a Choctaw or made any attempt to establish her claim except as a Mississippi Choctaw which she now makes? A No, sir.  
Q Are you married? A No, sir.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever been admitted, or have you ever made application to be admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress approved June 10, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation under any authority whatever in up to the present time? A No, sir.  
Q Do you come before the Commission now to be identified as a Mississippi Choctaw claiming under article 14 of the treaty of 1850? A Yes, sir.  
Q Do you understand that article? A Partially, I have heard it read.  
Q Do you understand it well enough to claim under it? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article 14 of the treaty of 1830 which you have heard read, do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article?  
A Only family tradition.
- Q What have you heard? A I have heard he made a trip to Mississippi to comply with it.
- Q Who do you mean? A My ancestor John Harper.
- Q Do you claim entirely through John Harper? A John Harper and wife.
- Q What was his wife's name? A I don't know.
- Q Do you know whether John Harper or his wife lived in the old Choctaw Nation either in Mississippi or Alabama in 1830 and was married there at that time? A No, sir.
- Q You don't know whether they were heads of families at that time? A No, sir.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation for five years after the treaty of 1830 was ratified and then get a patent from the government for that land? A Not that I know of.
- Q Did any of your Choctaw ancestors go before the United States Indian Agent Colonel Ward within six months after the ratification of the treaty of 1830 and register or attempted to register under article fourteen of that treaty? A That is my understanding.
- Q Who went? A Harper.
- Q Did he register? A I don't know - think not.
- Q Where did he go before Colonel Ward in Mississippi or Alabama? A Why I understand he went to Mississippi.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A No, sir, not that I know of.

Q Did any of your Choctaw ancestors own any improvements on land in that old Choctaw Nation in 1830 or 1831? A I don't know.

By an act of Congress approved March 3, 1837 and also another approved August 23, 1842 commissions were appointed which commissions went to Mississippi and heard claimants under article 14 of the treaty of 1830. These commissions were appointed to hear the complaints of Indians who had attempted to register under article 14 of the treaty of 1830 but had been refused registration by Colonel Ward the United States Indian Agent and because of this refusal these Indians lost their land which was taken from them by the government and sold.

Q Did any of your ancestors go before either of these commissions and claim any rights under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors receive scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842.

Q Do you understand or speak the Choctaw language? A No, sir.

This applicant will be allowed up to and inclusive of the 24th day of March 1903, for the introduction of other proof in this case if he so desired.

Q Do you want to have your case considered under the case of Jasper Chambers? A Yes, sir.

The case of Jasper Chambers 5670 is referred to for the purpose of consolidation.

Q You are also related to C. C. Hanks M.C.R. 6508? A Yes, sir.

Q What relation was John Harper to you? A He was my great great grandfather.

Q And his wife was your great great great grandmother? A Yes, sir.

This applicant has the appearance of being descended from white parantage; blue eyes, light hair, light complexion; has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the foregoing cause on March 7, 1903 and that the above is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 26th day of March 1903.

*Charles H. Sawyer*

Notary Public.



M.C.R. 6858.

Muskogee, Indian Territory, November 6, 1905.

Robert B. Day,

Midland, Texas.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6858

Muskogee, Indian Territory, March 18, 1904.

Robert B. Day,  
Midland, Texas.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for identification as a Mississippi Choctaw was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be filed by the applicants and their attorneys, will be forwarded to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6858.

Muskogee, Indian Territory, June 26, 1905.

Robert B. Day,

Midland, Texas.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

685-8

No.

358

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7 1903

Name

Robert B. Hay

Age

22

Blood

'16

Post Office.

Midland, Tex.

Father:

F. N. Hay. . . l

Mother:

Lerilda .. l

Claims through

mother, '18

Children:

Claims for a  
down

Robert B. Day

DECISION

100-1-101

COPY

FOR

FILE

100-1-101

ATTN

100-1-101

CHICKASAW

NOTICE

100-1-101

100-1-101

100-1-101

100-1-101

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION

SECRET

100-1-101

100-1-101

Choctaw MCR 6859

George Downs

MCR 6859

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 7, 1903.

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In the matter of the application of George Downs for identification as a Mississippi Choctaw.

George Downs being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George Downs.  
Q What is your age? A Twenty-two.  
Q What is your post office address? A Rothwell, Kentucky.  
Q Have you always lived in Rothwell Kentucky? A Yes, sir.  
Q And how long in Rothwell? A About eighteen years.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Richard Downs.  
Q What is your mother's name? A Vina E. Downs.  
Q She has been before the Commission hasn't she? A Yes, sir.  
Q Do you claim your Choctaw blood through your mother? A Yes, sir.  
Q How much do you claim? A One-sixteenth.  
Q You claim your mother was one-eighth Choctaw? A Yes, sir.  
Q She has never been recognized or enrolled as a Choctaw Indian has she by any authority? A No, sir.  
Q She made an application to be identified as a Mississippi Choctaw that is all isn't it? A Yes, sir.  
Q Are you married? A No, sir.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or to the Dawes Commission under the act of Congress approved June 10, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.  
Q Do you come before the Commission at this time to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Do you claim under article 14 of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A No, sir.

In 1830 a treaty was made between the Choctaw Indians and the United States government called the treaty of "Panding Rabbit Creek" dated September 27 of that year. The object of which treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation

Indian Territory. A good many Indians wouldn't go to the new territory and therefore article 14 was put into the treaty for their benefit. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with the provisions of that article as read to you? A No, sir.
- Q Who do you claim through? A My mother.
- Q Further back than that? A John Harper and wife.
- Q What was his wife's name? A I don't know.
- Q What relation was John Harper to you, great great great grandfather? A Yes, sir.
- Q And his wife? A Great great great grandmother?
- Q Do you know whether he lived with his wife in Mississippi in 1830 or Alabama? A I don't know.
- Q Did they live in the old Choctaw Nation in 1830 and have a family there then? A I don't know.
- Q Did they or either of them go to Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory between the years of 1833, 1838 or 1840, or at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of them live on land in that old Choctaw Nation for five years after the ratification of the treaty of 1830 and at the end of that time get a deed or patent from the government under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them own any improvements on land in that old Choctaw Nation in 1830? A I don't know.
- Q Did any of them go before a commission in 1837 or a commission in 1842 which commissions were appointed to hear claimants under article 14 of the treaty of 1830 and claim any rights under that article? A I don't know.



These commissions were appointed, one by an act of Congress approved March 3, 1837 and the other by an act of Congress approved August 23, 1842, in order to hear the complaints of Choctaw Indians who tried to register under article 14 of the treaty of 1830 but who were refused by Colonel Ward, the Indian Agent, and who because of this refusal had their lands taken from them in the old Choctaw Nation by the government and sold at its public land sales.

Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to secure land either in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.

Q This scrip was issued under an act of Congress approved August 23, 1842.

Q Do you understand the Choctaw language? A No, sir.

Q Do you want your case consolidated with Jasper Chamber's application? A Yes, sir.

Q He is a relative of yours is he? A Yes, sir.

Q And also C. C. Hanks? A Yes, sir.

Q What relation is Jasper Chambers? A What relation to me? I don't know exactly.

Q But you are sure he is related? A Yes, sir.

The case of Jasper Chambers 5670 is referred to for the purpose of consolidation.

This applicant is allowed up to and inclusive of the 24th day of March 1903 for the introduction of other proof in this case if he so desires.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, blue eyes, ruddy complexion; has no knowledge of the Choctaw language and no knowledge of a compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

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Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken on March 7, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 26th day of March 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 6859.

Waskogee, Indian Territory, November 6, 1903.

George Downs,

Rothwell, Kentucky,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 18, 1904.

George Downs,  
Rockwell, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application for identification as a Mississippi Choctaw was made a part, refusing said application.

This decision is subject to your inspection, and the record will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

85

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. B. BRECKINRIDGE.  
WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

|                                  |
|----------------------------------|
| REFER IN REPLY TO THE FOLLOWING: |
| M.C.R. 6859.                     |

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 26, 1905.

George Downs,

Rockwell, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 10th day of March, 1904.

Respectfully,



Chairman.

6859

No. 6859

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7 1903

Name

George Downs

Age

22

Blood

1/16

Post Office,

Rockwell, Miss.

Father:

Richard Downs

l

Mother:

Vina E. ..

l

Claims through

mother. 1/8

Children:

Claims for same  
alone

Strangrepher Chas. H. Jones & Co.

100. 10.5

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*George Downs*

DECISION

1904

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NOT

RECORD FORWARDED DEPARTMENT  
JUN 13 1904

Choctaw MCR 6860

Robert L. Lee

MCR 6860



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-0-

In the matter of the application of Robert L. Lee, et al.,  
for identification as Mississippi Choctaws, M.C.R. 6860.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the above case.

|                                                                                                                                       | (Page) |
|---------------------------------------------------------------------------------------------------------------------------------------|--------|
| Original application of Robert L. Lee, et al.,<br>to the Dawes Commission for identification as<br>Mississippi Choctaws-----          | 1      |
| Copy of marriage certificate between Robert Lee<br>and Torresta Skinner-----                                                          | 5      |
| Affidavit of Horace Thornton-----                                                                                                     | 6      |
| Affidavit of Benjamin Franklin Skinner-----                                                                                           | 7      |
| Affidavit of Ellen Griffin-----                                                                                                       | 8      |
| Affidavit of Frank Hogan-----                                                                                                         | 9      |
| Affidavit of Sigh Fox Jones-----                                                                                                      | 10     |
| Decision of the Commission refusing the applica-<br>tion of Robert L. Lee, et al., for identification<br>as Mississippi Choctaws----- | 11.    |

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*[Handwritten signature]*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-oOo-

In the matter of the application of Robert L. Lee, et al.,  
for identification as Mississippi Choctaws, M.C.R. 6860.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Robert L. Lee for himself, his wife, Theresa S. Lee, and his two minor children, Jewelry B. and Lillian E. Lee, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the principal applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Prou (or Prow) Jesse (or Jessie), who is alleged to have been

an one-half blood Choctaw Indian; that the wife of the principal applicant claims said rights by reason of being a descendant of Tempie (or Tempy Taylor) Skinner, who is alleged to have been a Choctaw Indian, degree of blood not stated, and to have resided in Mississippi in eighteen hundred and thirty, and Frances Skinner, who is alleged to have been a Choctaw Indian, degree of blood not stated; and that the minor applicants herein claim said rights by reason of being descendants of all the above named ancestors.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Prou (or Prow) Jesse (or Jessie), or Tempie (or Tempy Taylor) Skinner, or Frances Skinner, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats.,

180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert L. Lee, Theresa S. Lee, Jewelry B. Lee and Lillian E. Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Dixie.

Chairman.

(SIGNED)

J. B. McManis.

Commissioner.

(SIGNED)

C. H. Breckinridge.

Commissioner.

(SIGNED)

J. B. McManis.

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 7, 1903.

-----O-----

In the matter of the application of Robert L. Lee for the identification of himself, his wife Theresa S. Lee, and his two minor children Jewelry B. and Lilian E. Lee as Mississippi Choctaws.

Robert L. Lee being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Robert L. Lee.  
Q What is your age? A Twenty-nine.  
Q What is your post office address? A Elizabeth, Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q How long in Elizabeth? A About twelve years.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What was your father's name? A My father was a white man I don't know.  
Q What is your mothers name? A Ellen Griffin.  
Q Do you claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A I claim one-eighth.  
Q Was your mother one-quarter Choctaw? A Yes, sir.  
Q Has she ever been recognized or enrolled as a Choctaw Indian by any authority whatever in Indian Territory? A No, sir.  
Q What is your wife's name? A Theresa S. Lee.  
Q Is she a Choctaw Indian? A Yes, sir.  
Q How much? A One-eighth.  
Q What is her father's name? A Benjamin F. Skinner.  
Q Is he living? A Yes, sir.  
Q What is her mother's name? A Frances Skinner.  
Q Is she living? A Yes, sir.  
Q Which of her parents have Choctaw blood? A Well both have some.  
Q Does through her father or mother? A Her father.  
Q How much does she claim? A One-eighth.  
Q And her father was one-quarter? A Yes, sir.  
Q Have you any negro blood? A Yes, sir.  
Q Has your wife? A Yes, sir.  
Q Any white blood? A Yes, sir.  
Q And your wife? A Yes, sir, her father was one-eighth Irish.  
Q You have white, negro and Indian blood? A Yes, sir.  
Q And your wife too? A Yes, sir.  
Q Were any of your ancestors slaves? A My father was not. My mother was.  
Q Was your wife's father? A Yes, sir.  
Q And was your wife's mother? A Yes, sir.  
Q Have you any children you want to apply for? A Two.  
Q What two? A Jewelry B. Lee  
Q How old? A Three years old.

- Q The next? A Her name is Lilian E. Lee.  
 Q How old? A One year.  
 Q You claim for yourself, wife and two children do you? A Yes, sir.  
 Q Have you the proof of your marriage to your wife? A I have.

Certificate of marriage of Robert L. Lee and Theresta Skinner is presented by applicant, received, marked exhibit "A" and made a part of the record in this case.

- Q Is this your wife's name in this certificate? A Yes, sir.  
 Q And her name is Theresa? A Yes, sir that man didn't know how to spell it.  
 Q Has your mother or has your wife's father ever been recognized as a Choctaw Indian by the Choctaw tribal authorities in Indian Territory? A Well no, sir, they have not.  
 Q Has any one ever made application for your or your wife for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities? A No, sir.  
 Q Has application ever been made for you or for her by any authority for citizenship in the Choctaw Nation up to the present time? A Has not.  
 Q Did either she or you ever make application for citizenship to the Dawes Commission under the act of Congress approved June 10, 1896? A No, sir, we have not.  
 Q Have either of you ever been admitted to citizenship in the Choctaw Nation by any authority whatever? A We have not.  
 Q Do you come before the Commission to identify yourself, your wife and your two children as Mississippi Choctaws? A I do.  
 Q Do you claim under article fourteen? A I do.  
 Q You have heard that treaty read and explained do you understand it? A Yes, sir.

Article fourteen is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your ancestors or your wife's ancestors complied with that article or not? A We are not certain as to a compliance at present.



- Q What is the name of your ancestor through whom your claim? A Prou Jesse.
- Q What relation was he to you? A Well he was my great grandfather.
- Q Do you know anything about his father or mother? A I don't.
- Q What is the name of the ancestor through whom your wife claims? A Her grandmother.
- Q What is her name? A Temple Skinner.
- Q Do you know anything about Temple Skinner's father or mother? A She is grandmother.
- Q Do you know whether your great grandfather or your wife's grandmother lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and whether they had families living there then? A They lived down in Amite county in Mississippi.
- Q In 1830? A Yes, sir.
- Q Did they have families then? A They did.
- Q Did either of them go before Colonel Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of that treaty? A We are informed that they attempted to register but they failed to get to see Ward.
- Q Did both, your great grandfather and her grandmother, try to register? A They did.
- Q Did either of them live on land in that old Choctaw Nation either in Mississippi or Alabama for five years after the treaty was ratified and then get a patent from the government for the land which they occupied? A They didn't.
- Q Did either your ancestor or your wife's ancestor go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833 and 1838? A They did not.
- Q Or any time between the ratification of the treaty of 1830 and the date of this application made by you today? A They have remained in Mississippi.
- Q Did your ancestor or your wife's ancestor own any improvement on land in that old Choctaw Nation in 1830? A They did not.
- Q Did either of them go before a Commission in 1837 or a commission in 1842 and claim any benefits under article 14 of the treaty of 1830? A They didn't.

These two commissions were appointed for the purpose of hearing Choctaw Indian claimants who went before Ward within six months after the treaty of 1830 was ratified to register under article 14 of that treaty, but who were denied registration by Colonel Ward, and because they were denied the government took their land from them afterwards, which land was in the old Choctaw Nation either in Mississippi or Alabama and sold it.

- Q Did any of your ancestors or your wife's Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A They haven't as yet.
- Q This scrip was issued under an act of Congress approved August 23, 1842.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Does your wife? A Neither one of us.

6860-4

Time will be allowed this applicant for the introduction of other proof in this case in his own application and in the application made for his wife up to and inclusive of the 24th day of March, 1903.

This applicant Robert L. Lee appears to be a mixture of white and negro blood and also some Indian blood; claims he is one-eighth Choctaw; he has no knowledge of the Choctaw language; the white blood in this applicant seems to predominate. His wife who appears at the same time shows more than her husband her African lineage, she doesn't understand the Choctaw language and neither he nor his wife have any knowledge of a compliance on the part of their ancestors with article 14 of the treaty.

---o---

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 26th day of March 1903.

*Charles H. Sawyer*  
Notary Public.



COPY.

89  
DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-000-

In the matter of the application of Robert L. Lee, et al.,  
for identification as Mississippi Choctaws, M.C.R. 6860.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Robert L. Lee for himself, his wife, Theresa S. Lee, and his two minor children, Jewelry B. and Lillian E. Lee, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that the principal applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Prew (or Prew) Jesse (or Jessie), who is alleged to have been

an one-half blood Choctaw Indian; that the wife of the principal applicant claims said rights by reason of being a descendant of Tempie (or Tempy Taylor) Skinner, who is alleged to have been a Choctaw Indian, degree of blood not stated, and to have resided in Mississippi in eighteen hundred and thirty, and Frances Skinner, who is alleged to have been a Choctaw Indian, degree of blood not stated; and that the minor applicants herein claim said rights by reason of being descendants of all the above named ancestors.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Prou (or Prow) Jesse (or Jessie), or Tempie (or Tempy Taylor) Skinner, or Frances Skinner, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats.,

180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert L. Lee, Theresa S. Lee, Jewelry B. Lee and Lillian E. Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Samuel J. Phillips*

Chairman.

(SIGNED)

*T. B. Needles*

Commissioner.

(SIGNED)

*Wm. H. Harrison*

Commissioner.

(SIGNED)

*W. E. Stanley*

Commissioner.

Muskogee, Indian Territory,

MAR 15 1904

M C R 6860

Muskogee, Indian Territory, March 20, 1903.

Robert L. Lee,

Elizabeth, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Horace Thornton offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same has been filed with the record in your case.

Respectfully,

Chairman.

M C R 6860

Muskogee, Indian Territory, March 27, 1903.

R. L. Lee,

Elizabeth, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Benjamin Franklin Skinner relative to your Choctaw descent, and the same has been filed with the record in the matter of your application for identification as a Mississippi Choctaw.

Respectfully,

Chairman.

M C R 6860

Muskogee, Indian Territory, March 28, 1903.

Robert L. Lee,

Elizabeth, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of your mother, Hlen Griffin, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. Said affidavit has been filed with the record in your case.

Respectfully,

Chairman.

M.O.R. 6880.

Muskogee, Indian Territory, April 2, 1903.

Robert L. Lee,

Elizabeth, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you state that on account of the overflow of the Mississippi River, you have been unable to secure additional evidence in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You ask that you be allowed time in which to secure such evidence.

In reply to your letter, you are informed that you will be allowed up to and inclusive of April 25, 1903, within which to submit additional evidence in support of your case.

Respectfully,

Commissioner in Charge.

M C R 6860

Muskogee, Indian Territory, April 8, 1903.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, enclosing affidavit of Frank Hogan offered in support of the application made by Robert L. Lee for the identification of himself, his wife and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.



M C R 6860

Muskogee, Indian Territory, April 16, 1903.

R. L. Lee,

Elizabeth, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of Sigh Fox Jones, offered in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same has been filed with the record in your case.

Respectfully,

Muskogee, Indian Territory, May 29, 1903.

R. L. Lee,

Elizabeth, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, in which you ask to be advised the status of your case.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws. Up to the present time the Commission has not rendered any decision relative to your right to such identification. As soon as a decision is rendered you will be duly notified of the action of the Commission.

Respectfully,

Commissioner in Charge.

M C R 6860

Muskogee, Indian Territory, July 7, 1903.

Robert L. Lee,  
Elizabeth, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 25, 1903, enclosing Indian relic which you offer in support of your application for identification as a Mississippi Choctaw, and the same is herewith returned as it is not seen how the same would in any way benefit your claim.

Respectfully,

Commissioner in Charge.

McM 14

M C R 6860

Muskogee, Indian Territory, January 5, 1904.

R. L. Lee,  
Winterville, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 30, 1903, in which you state that you have changed your post office address and that if a decision has been rendered in your case you wish to be notified at Winterville, Mississippi.

In reply you are informed that it appears from our records that you made application to this Commission for the identification of yourself and minor children as Mississippi Choctaws, but up to the present time no decision has been rendered relative to your rights to such identification. When a decision is rendered you will be duly notified thereof.

Proper record has been made of the change of your post office address.

Respectfully,

Chairman.

M.C.R. 6860

Muskogee, Indian Territory, April 6, 1904.

Robert L. Lee,

Winterville, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Robert L. Lee et al., including you, your wife Theresa S. Lee, and your children Jewelry B. Lee and Lillian E. Lee.

You are further notified that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

W. D. COCHRAN,  
Commissioner in Charge.

Registered.

M.C.R. 6860.

COPY

Muskogee, Indian Territory, April 6, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 15, 1904 rendered its decision refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Robert L. Lee, et al.

You are further advised that the applicants in this case have been allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WED

W. D. Woodson.

Registered.

Commissioner in Charge.

M.C.R. 6860.

CCY.

Muskogee, Indian Territory, April 6, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

Inclosed herewith you will find a copy of the decision of the Commission, rendered March 15, 1904, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Robert L. Lee et al.

You are further advised that the applicant in this case have been allowed fifteen days from the date of this notice in which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Ine. M.C.R. 6860.

Commissioner in Charge.

Y.  
(COPY).

Muskogee, Indian Territory, April 22, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the case of Robert L. Lee et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 15, 1904.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

*James D. Smith*

Chairman

Through the  
Commissioner of Indian Affairs.

2 Enc. MCR 6860.



(COPY)

LAND,

28272-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, June 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

Permit me to invite your attention to record of the Commission to the Five Civilized Tribes in the matter of the application of Robert L. Lee, for the identification of himself, and his wife Therese, and his two minor children, Jewelry B., and Lillian E. Lee, as Mississippi Choctaws, wherein a decision rejecting them was entered by the Commission on March 15, 1904.

The record in this case shows that the applicants found their claims to a right to identification on their descent from Prou or Prow Jesse and Tempie Taylor Skinner, who were alleged to have been Choctaw citizens resident in Amite County, Mississippi, in 1830. As to whether these ancestors complied with the provisions of the Fourteenth Article of the Choctaw Treaty of 1830, the applicants are unable to state, but testimony is given to the effect that their ancestors attempted to register with Agent Ward for the five years stay, but were unable to see him.

The Commission rejected the applicants for the reason that an investigation of its records failed to show that Prou or Prow Jesse, or Tempie Taylor Skinner, or Frances Skinner, complied or attempted

to comply with the provisions of the Fourteenth Article of the Choctaw Treaty, or the subsequent legislation relative thereto.

An investigation of the records of this office has been made with reference to the names of Prou or Prow Jesse, Tempie Taylor Skinner and Frances Skinner, and it is ascertained that the names of these persons do not appear among the names of those Choctaw Indians who received benefits under the Fourteenth Article of the Treaty of 1830, or the subsequent legislation relative thereto.

I therefore recommend that the decision of the Commission rejecting the applicants be approved.

Very Respectfully,

A. C. Tonner.

Acting Commissioner.

E.B.H.-J.C.

(COPY)

W.C.F.

I.T.D. 4766-1904.

DEPARTMENT OF THE INTERIOR,

THE

Washington,

L. R. S.

June 15, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

April 22, 1904, you transmitted the record in the case involving the application of Robert L. Lee, et al. (M.C.R.6860), for identification as Mississippi Choctaws, including your decision of March 15, 1904, refusing to identify them as such.

The applicants base their right to identification as Mississippi Choctaws on their descent from Prou (or Prow) Jesse (or Jessie) and Tempie (or Tempy Taylor) Skinner, and Frances Skinner, it being alleged that said ancestors possessed Choctaw Indian blood, and that Tempie (or Tempy Taylor) Skinner was a resident of Mississippi in 1830.

The evidence furnished by the record, as well as the evidence contained in the records of the Indian Office, fails to show that any of said ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter June 9, 1904, the Acting Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved. A copy of his letter is inclosed.

---2---

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

E. A. Hitchcock.

Secretary .

1 inclosure.

Muskogee, Indian Territory, June 23, 1904.

Robert L. Lee,

Winterville, Mississippi,

Dear Sir:

You are hereby notified that on the 15th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Robert L. Lee et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

JOHNEDY

Commissioner in Charge.

M.C.R. 6860

(20-11)  
Muskogee, Indian Territory, June 23, 1904.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

You are hereby notified that on the 15th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Robert L. Lee et al., of which decision you were advised by registered mail on the 6th day of April, 1904.

Respectfully,

(SIGNED)

*T. B. Neelands*

Commissioner in Charge.

*Copy.*

Muskogee, Indian Territory, June 23, 1904,

Mansfield, McMurray & Cornish,

Attorneys for Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 15th day of June, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Cheetaws of the several persons included in the case of Robert L. Lee et al., of which decision you were advised by mail on the 6th day of April, 1904.

Respectfully,

SIGNED)

*T. B. Needles.*

Commissioner in Charge.

M C R 6860

Muskogee, Indian Territory, September 27, 1904.

R. L. Lee,

Winterville, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you request that the Commission return your marriage certificate to you.

In reply to your letter you are advised that all papers in connection with your application for identification as a Mississippi Choctaw are now in the hands of the Secretary of the Interior, and you should correspond with him relative to the return of your marriage certificate.

Respectfully,

JD

Chairman.



6860

No.

6860

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7 1903

Name Robert S. Lee

Age 29

Blood 1/8

Post Office, Elizabet, Miss.

Father: — — — d

Mother: Ellen Griffin, d

Claims through mother 1/4  
wife, Theresa S. Lee, 1/8 chn.  
f. B. F. Skinner, d.  
m. Frances " d  
wife claims thro' father 1/4

Children:

Jewelry B. Lee. 3  
Lillian E " 1

Claims for neg  
wife & 2 children

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Robert L. Lee*

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 25 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED TO THE APPLICANT BY  
AND CHIEF AGENT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED TO THE APPLICANT BY  
AND CHIEF AGENT.

Choctaw MCR 6861

Mary Davis

MCR 6861

2904

BEFORE THE HON. COMMISSION TO THE  
FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY.

In the matter of the application of Mary Davis, No. 6861 (for herself) and Louis Townsend (for himself) consolidated, for identification as Mississippi Choctaws, claiming under Article Fourteen of the Treaty of Dancing Rabbit Creek.

Application is hereby made, under Rules One and Two, promulgated by said Commission, for the taking of depositions in such cases, for commission to take depositions of witnesses herein after named;

Applicant ( Louis Townsend )

states, that all of said witnesses are non-residents of the State of Mississippi and of the Indian Territory; that they are old and unable to undergo the hardships incident to a long journey.

He further states, that he has made, in person, application (to this Commission) for identification as a Mississippi Choctaw in the consolidated cases of Mary Davis No. 6861 et al; and that the testimony of the witnesses hereinafter named is material to his cause.

Applicant says, that he expects to prove, by ~~Armina~~ Armina Townsend of Donally, Lee County, Kentucky, that she (the said Armina Townsend) is Eighty-three years old; that she is related, by consanguinity, to Lewis Robinson, and Nancy Robinson; that she knows that the said Lewis Robinson and Nancy Robinson were husband and wife in 1830, and that they resided in the old Choctaw Nation, in Mississippi or Alabama, in 1830; that Lewis Robinson was a white man, and that his wife was a full-blood Choctaw Indian; that the said Lewis and Nancy Robinson had children in 1830, and that one of said children was named Susan, and that the said Susan inter-married with one James Townsend; and that the said James Townsend and Susan Townsend (nee Susan Robinson) were the grand-parents of this applicant.

Applicant says, that he expects to prove by this said witness, Armina Townsend, that Lewis Robinson lived on or near

-2-

the Tombigbee River, in the State of Alabama, in 1830; that he had a goodly number of acres of land in cultivation at that time, in the old Choctaw Nation; and that he (the said Lewis Robinson) operated, or was concerned in the operation of, a Ferry Boat on the Tombigbee river; That the said Lewis Robinson made application to the Indian Agent (Vward) in 1831, under Article Fourteen of the Treaty of Dancing Rabbit Creek, located land, resided upon it for five years, and obtained a patent from the United States Government.

That witness will state other facts material to applicant's cause herein.

SECOND,

Applicant says, that he expects to prove, by Berry Barnett of Spout Springs, Estill County Kentucky, that he (the said Berry Barnett) is now Ninety years old; that he (Barnett) knew Lewis Robinson and Nancy Robinson, his wife; that Lewis Robinson was a white man, and that his wife, Nancy, was a full-blood Choctaw Indian; that the said Lewis Robinson and wife, were married and had children in 1830; that one of said children was named Susan, who inter-married with one James Townsend; that the said James Townsend and Susan Townsend were the grandparents of applicant; that Lewis Robinson lived in the old Choctaw Nation in Mississippi in 1830; that he had a large farm in cultivation at that time and place; that he lived on or near the Tombigbee River, and was concerned in the operation of a Ferry Boat on said river; that the said Lewis Robinson had lived with the Choctaw Indians for years, and was regarded as one of them, that he made application to the Indian Agent (Vward) under Article Fourteen of the Treaty of Dancing Rabbit Creek for permission to remain and become a citizen of the State; that he located land, resided upon it five years, and received a patent therefor from the Government of the United States; and that said witness (Barnett) will state other facts material to applicant's cause herein.

be a good number of votes of the people of the  
the Territory of the State of the United States

THIRD,

Applicant says, that he expects to prove, by  
T. J. Treadway of Fincastle, Lee County, Kentucky, that he (the  
said Treadway) is now Eighty-two years old; that he knew  
Lewis Robinson and his wife, Nancy; that the said Lewis and  
Nancy Robinson had a daughter named Susan, who inter-married  
with one James Townsend, and was the grand-mother of this appli-  
cant; that the said Lewis Robinson was a white man, but that  
he had lived so long away among the Choctaw, that he was regarded  
as one of them; that the said Nancy Robinson was a full-blood  
Choctaw Indian; that the said Lewis Robinson and his wife and  
family were living in the old Choctaw Nation, in Mississippi or  
Alabama, in 1830; that he had a large farm in cultivation at  
that time, and place; that he (the said Robinson) made applica-  
tion to the Indian Agent (Vward) under Article Fourteen of the  
Treaty of Dancing Rabbit Creek for permission to remain in the  
States; that he obtained land under said Article Fourteen, resided  
upon said land for five years and got a patent from the United  
States Government; that witness will state other facts material  
to applicant's cause herein.

FOURTH,

Applicant says, that he expects to prove by  
VWilliam Butterworth of Batyville, Kentucky, that he (the said  
Butterworth) is now Ninety years old; that he knew Lewis  
Robinson and his wife and family; that Lewis Robinson was a  
white man and his wife, Nancy Robinson, was a full-blood Choctaw;  
that they had a daughter named Susan Robinson, who inter-married  
with one James Townsend, and was the grand-mother of this  
applicant; that Lewis Robinson and his wife and family were  
living in the old Choctaw Nation in Alabama in 1830; and that  
he (Robinson) made application to the Indian Agent (Vward) under  
Article Fourteen of the Treaty of Dancing Rabbit Creek for permission  
to stay in the States; that he got land under said Article  
Fourteen, and lived upon it for five years, and obtained a

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-4-

patent from the United States Government; that the said Robinson operated or was concerned in the operation of a Ferry Boat upon the Tombigbee River; that said witness (Butterworth) will state other facts material to applicant's cause herein.

Applicant says, that he believes the statements set out, as being the substance of the testimony of the several witnesses above named, are true, and material to his cause herein.

WHEREFORE, he prays for a commission to take depositions of said witnesses.

Laird Townsend

Subscribed and sworn to before me this 11<sup>th</sup> day of March 1903.

Franklin Miller  
Notary Public.

Department of the Interior  
Commission to the five Civilized Tribes.  
Muskogee, Indian Territory  
March 7, 1903.

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In the matter of the application of Mary Davis for the identification of herself as a Mississippi Choctaw.

W.S. Cobb and T. J. Cole attorneys for applicant:

Mary Davis being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Mary Davis.  
Q What is your age? A Thirty-three.  
Q What is your post office address? A Torrent, Kentucky.  
Q How long have you lived in Kentucky? A I have always lived there.  
Q And how long in Torrent? A Born and raised there.  
Q What is your father's name? A John Bush.  
Q Is he living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What is her name? A Amanda Maloney.  
Q Do you claim through your father or mother? A My mother.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Is your mother one-eighth Choctaw? A Yes, sir.  
Q Has she ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Are you married? A Yes, sir.  
Q Is your husband living? A Yes, sir.  
Q What is his race, white man of course? A Yes, sir.  
Q What is his name? A Mart Davis.  
Q Do you make any claim for your husband? A No, sir.  
Q You have no children? A No, sir.  
Q You claim for yourself alone? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under an act of Congress approved June 10, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No, sir.  
Q Do you come before the Commission now to be identified as a Mississippi Choctaw? A Yes, sir.  
Q Do you claim under article 14 of the treaty of 1830? A Yes, sir.  
Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the Choctaw Indians and the United States government at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year.



The object of this treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory with the other Indians under the treaty and in order to protect the interest of those Indians this article was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article 14 of that treaty? A I don't know.
- Q Who do you claim your right to be identified through. Give the name of your ancestor? A Susan Robinson.
- Q What relation was Susan Robinson to you? A Susan Robinson was my great grandmother. Was my mother's great grandmother.
- Q Your great great grandmother? A Yes, sir.
- Q Was that her maiden name or her married name? A Her married name.
- Q What was her husband's name? Lewis Robinson.
- Q Was he a white man? A Yes, sir.
- Q How much Choctaw blood did she have? A She was a full blood.
- Q Did she live in Mississippi or Alabama in 1830 and have a family there then? A I don't know.
- Q Did she within six months after the treaty of 1830 was ratified go to United Agent Colonel Ward and register or attempt to register under that treaty? A I don't know.
- Q Did she live on land in the old Choctaw Nation for five years after the treaty of 1830 was ratified and then get a patent from the government for that land? A I don't know.
- Q Did she claim any land in the old Choctaw Nation under article 14 of that treaty? A I don't know.
- Q Did she go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of 1830 and the date of this application made by you today? A I don't know.
- Q Did she or any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory at any time

between the years 1833 and 1838 with the other Indians? A I don't know.

In 1837 and also in 1842 commissions were appointed which went to Mississippi and heard claims under article 14 of the treaty of 1830. These commissions were appointed ~~in~~ under various acts of Congress because of the complaints made by Choctaw Indians that they had registered or attempted to register under article 14 of the treaty of 1830 within six months from the ratification of the treaty, but that Colonel Ward had refused to allow them to register and because of his refusal their land had been taken from them & in the old Choctaw Nation and sold.

- Q Did any of your ancestors go before either of these commissions and claim any benefits under article 14 of that treaty? A I don't know.
- Q Did any of them receive any scrip from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q This scrip was issued by an act of congress approved August 23, 1842.
- Q Do you understand the Choctaw language? A No, sir.
- Q Have any of your kin folks been before this commission to be identified as Mississippi Choctaws? A I don't know.

Time will be allowed this applicant up to and inclusive of the 24th March, 1903 for the introduction of other proof in in this case if she so desires.

Examination by attorney Cobb.

- Q You stated that you claim is through Susan Robinson who was the wife of Lewis Robinson, now are you sure or might it have been Nancy. Are you sure about that. Was Susan his daughter? A I am not sure.
- Q Was Susan Robinson the daughter of Lewis Robinson who married Jim Townsend? A Yes, sir.
- Q Then you were mistaken when you said Susan was the wife of Lewis? Yes, sir.
- Q Do you now remember that you have heard that Nancy Robinson was the wife of Lewis Robinson? Have you heard that? That Nancy was the wife of Lewis? A I am not positive.

By Commission:

This applicant has the physical characteristics of being descended from white parentage, black hair, brown eyes and dark complexion. Has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830 and no knowledge of the Choctaw language.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five civilized Tribes he repor-

ted the proceedings had in the above entitled cause and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause.

*Chas. Diffendaffer.*

Subscribed and sworn to before me this 26th day of March 1903.

*Charles H. Sawyer*  
Notary Public.

M.C.R. 6861.

Muskogee, Indian Territory, April 18, 1903.

M. S. Cobb,

Attorney-at-Law,

Hot Springs, Arkansas.

Dear Sir:

Enclosed please find commission to take the deposition of Berry Barnett, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Mary Davis, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness, also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to an early determination as possible.

Respectfully,

Enclosures:  
J.D. \_\_\_\_\_

Chairman.

M.C.R. 6861.

Muskogee, Indian Territory, April 18, 1903.

M. S. Cobb,

Attorney-at-Law,

Hot Springs, Arkansas.

Dear Sir:

Enclosed please find commission to take the deposition of William Butterworth, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Mary Davis, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness, also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to an early determination as possible.

Respectfully,

Enclosures:  
J.D. \_\_\_\_\_

Chairman.

M.C.R. 6861.

Muskogee, Indian Territory, April 18, 1903.

M. S. Cobb,

Attorney-at-Law,

Hot Springs, Arkansas.

Dear Sir:

Enclosed please find commission to take the deposition of T. J. Treadway, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Mary Davis, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness, also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to an early determination as possible.

Respectfully,

Enclosures:  
J.D. \_\_\_\_\_

Chairman.

M.C.R. 6861.

Muskogee, Indian Territory, April 18, 1903.

M. S. Cobb,

Attorney-at-Law,

Hot Springs, Arkansas.

Dear Sir:

Enclosed please find commission to take the deposition of Armina Townsend, same to be read in evidence in the matter of the application for identification as Mississippi Choctaws of Mary Davis, et al., pending before the Commission to the Five Civilized Tribes. Attached to this commission are the direct and cross interrogatories to be propounded to said witness, also a caption and certificate which are to be filled out by the officer before whom this deposition is taken.

You will hand these documents to an officer authorized by law to take depositions and instruct him, immediately upon the completion of the taking of this deposition, to return same to this Commission in order that the application in which they are to be filed may be brought to an early determination as possible.

Respectfully,

Chairman.

Enclosures:  
J.D. \_\_\_\_\_

M.C.R. 6861.

Muskogee, Indian Territory, November 11, 1903.

M. S. Cobb,

Attorney at Law,

Hot Springs, Arkansas.

Dear Sir:

You are hereby advised that the Commission has this day notified Mary Davis that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.





M.C.R. 6861.

Muskogee, Indian Territory, November 11, 1903.

Mary Davis,

Torrent, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

N.C.R. 6978  
N.C.R. 6861  
N.C.R. 6889  
N.C.R. 6935

Muskogee, Indian Territory, April 4, 1904.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 30, 1904, in which you ask that the Commission furnish you copies of the oral testimony of Thomas, Garrett and Herod Townsend, given at the time of the making of their application for their identification as Mississippi Choctaws. Also the testimony of Mary Davis, an applicant for identification as a Mississippi Choctaw. You also ask if the application of Thomas, Herod and Garrett Townsend has been passed upon by the Commission.

In reply you are advised that copies of such testimony are herewith enclosed you, and you are further advised that up to the present time no decision has been rendered by the Commission relative to the rights of these persons to be identified as Mississippi Choctaws.

Respectfully,

JDM-7.

Commissioner in Charge.

Muskogee, Indian Territory, September 16, 1904.

Mary Davis,  
Torrent, Kentucky.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing your application for identification as a Mississippi Choctaw.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tame Dixby.*

Chairman.

Registered.

REFER IN REPLY TO THE FOLLOWING:

MCH-6861

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 5, 1906.

Mary Davis,  
Torrent, Kentucky.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on September 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of September 16, 1904, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Henry C. Townsend et al., of which the application for the identification of yourself is a part.

Respectfully,

W. O. Beall

Acting Commissioner.

6861

No. 6861

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7 1903

Name Mary Davis.

Age 33.

Blood 1/16

Post Office, Torrent, Ky.

Father: John Bush, d.

Mother: Amanda Maloney, l.

Claims through mother 1/8

Husband

Mart Davis l. w.

No claim for husband.

~~Given:~~

Claim for sep.

Stenographer Charles H. Smith

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW.

680

*Mary Davis*

REFER TO M. C. R.

DECISION RENDERED

SEP 16 1904

REFUSED.

SEP 16 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

SEP 16 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

SEP 16 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANT

SEP 16 1904

RECORD FORWARDED DEPARTMENT. OCT 10 1904

ACTION APPROVED BY SECRETARY OF INTERIOR

SEP 16 1906

DEPARTMENTAL ACTION

FOR APPLICANT

OCT 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

OCT 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

OCT 5 1906

DEPARTMENT OF THE INTERIOR  
Commissioner to the Five Civilized Tribes

FILED

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A handwritten signature in dark ink, appearing to be 'J. H. ...', written over a rectangular stamp.

Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Mary Davis,

~~Terront~~, Kentucky.

*Return to writer  
removed*

*M.C.R.  
1906*



Choctaw MCR 6862

William Bush

MCR 6862

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 7, 1903.

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In the matter of the application of William Bush for the identification of himself and his two minor children Sterling and Elmer Bush as Mississippi Choctaws.

S. Cobb and T. J. Cole attorneys for applicants.

William Bush being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A William Bush.  
Q What is your age? A Twenty-six.  
Q What is your post office address? A Torrent Kentucky.  
Q How long have you lived in Torrent? A All my life.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What was your father's name? A John Bush.  
Q What is your mother's name? A Amanda Bush.  
Q Do you claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Was your mother one-eighth? A Yes, sir.  
Q Has she ever been recognized or enrolled as a member of the Choctaw tribe by any authority whatever? A No, sir.  
Q What is your wife's name? A Sarah.  
Q She is living? A Yes, sir.  
Q What is her race? A White woman.  
Q Do you make any claim for her? A No, sir.  
Q What is the name of your first child? A Sterling.  
Q How old? A Three years.  
Q Boy? A Yes, sir.  
Q The next? A Elmer.  
Q Boy? A Yes, sir.  
Q How old? A One year.  
Q You claim for yourself and two children? A Yes, sir.  
Q Is your wife Sarah the mother of these children? A Yes, sir.  
Q Have you the proof of your marriage with you? A I think I have.

The joint affidavit of W. B. Bush and James P. Bush Jr. in regard to the marriage of W. B. Bush and Sarah Chester is presented by the applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

- Q Is your name on any of the tribal rolls in the Choctaw Nation Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities or to the United States authorities in Indian Territory? A No, sir.

- Q Have you ever made any such application to the Dawes Commission under the act of Congress approved June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No, sir.
- Q Do you claim the right to be identified now and to identify your children under article 14 of the treaty of 1830? A Yes, sir.
- Q You want to be identified as Mississippi Choctaws? A Yes, sir.
- Q Do you understand article 14 of that treaty? A Yes, sir.
- Q You claim under that article don't you? A Yes, sir.

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your ancestors ever complied or attempted to comply with that article as you have heard it read or not? A Yes, sir.
- Q What are the names of your ancestors, or the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Nancy Robinson.
- Q What relation to you was she? A Great great grandmother.
- Q How much Choctaw blood did she have? A Full blood.
- Q Are you related to Mary Davis? A She is my sister.
- Q She has just made application hasn't she? A Yes, sir.
- Q She claimed through Susan Robinson, I think she afterwards explained that and said Nancy didn't she? A Yes, sir.
- Q What was the name of the husband of Nancy Robinson? A Lewis Robinson.
- Q Was he a white man? A Said to be.
- Q Did they have a daughter named Susan? A Yes, sir.
- Q She was your great grandmother? A Yes, sir.
- Q And what was the name of her child through whom you claim? A I don't remember her name just now.
- Q You claim through your mother Amanda Bush? A My mother was married again she married a man named Malcom, that is her name now.
- Q And who does she claim through, father or mother? A Mother.
- Q What was her name? A Minerva Townsend.
- Q And she claimed through whom? A Susan Robinson.

- Q Then she must have been the daughter of Susan Robinson, wasn't she? A Yes, sir.
- Q And Susan claimed through Nancy Robinson? A Yes, sir.
- Q Did any of these Choctaw ancestors live in Mississippi in 1830 and have a family there then? A Yes, sir.
- Q Who did? A Lewis Robinson and his wife Nancy.
- Q How old would Nancy Robinson be if living now? A I couldn't say.
- Q Did she go to Colonel Ward within six months after the treaty was ratified and register or attempt to register under article 14 of the treaty of 1830? A Yes, sir.
- Q Did she register? A I presume so.
- Q Do you know? A Her husband did for her.
- Q Do you know that? A That is family history.
- Q Did she get land in Mississippi or Alabama? A I couldn't say, never heard.
- Q Did she get land in Mississippi or Alabama? A Yes, sir.
- Q How do you know that? A Been told that.
- Q Do you know where it was located? A Near some river but I don't remember the name.
- Q Do you know whether she or any of your Choctaw ancestors lived on land in the old Choctaw Nation, in Mississippi or Alabama, for five years and at the end of that time got a patent from the government for that land? A Yes, sir.
- Q Do you know what became of that patent? A No, sir.
- Q Did you ever see it? A No, sir.
- Q Do you know anyone that did see it? A No, sir.
- Q What became of the land, do you know? A No, sir.
- Q Do you know how that land was bounded? A No, sir.
- Q Or how many acres was in it? A No, sir.
- Q During what five years did any of your ancestors live on it, if you know? A About 1830 I believe.
- Q From 1830 on? A Yes, sir.
- Q Is there anyone living now who knows anything about your ancestor living on that land and having had a patent from the government? A I couldn't say.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory between the years 1833 and 1840? A I don't know.
- Q Or did any go between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did you ever hear that Nancy Robinson or her daughter Susan, or any other Choctaw ancestor of yours went before a commission first in 1837 or another commission in 1842 and claimed any rights under article 14 of the treaty of 1830? A No, sir.

These two commissions were appointed under various acts of congress because of the complaints of Choctaw Indians that they had tried to register under Colonel Ward within six months from the ratification of the treaty of 1830, but because Colonel Ward would not allow them to register, these Indians had their land taken from them by the government and sold at its public land sales.

- Q Did you ever hear of any of your ancestors receiving scrip from the government which entitled them to select land in Mississippi,

6862-4

Alabama, Louisiana or Arkansas? A No, sir.

This scrip was issued under an act of Congress approved August 23, 1842 and was issued to these Choctaw Indians who proved their right under article 14 of the treaty of 1830 and also proved that their land had been taken from them in the old Choctaw Nation and sold by the government.

- Q Do you speak Choctaw? A No, sir.  
Q Do you want your case considered with the case of your sister?  
A Yes, sir.

The case of Mary Davis M.C.R. 6861 is here ferferred to for the purpose of consolidation, that case being the head case and this consolidated under it.

Time will be allowed this applicant up to and inclusive of the 24th day of March 1903 for the introduction of other proof in this case if he desires to do so.

Examination by attorney Cobb.

- Q You stated that your ancestor Lewis Robinson got land in Mississippi on some river do you remember if that was on the Tombigbee River? A Yes, sir that is the river.  
Q Have you ever heard it talked among your ancestors that he run a ferry boat across the Tombigbee River? A Yes, sir.  
Q Have you ever heard your own ancestors say anything about him having a neighbor named Pebworth? A Yes, sir.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause heard at Muskogee, Indian Territory, March 7, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 27th day of March 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 6862.

Muskogee, Indian Territory, November 11, 1903.

M. S. Cobb,

Attorney at Law,

Hot Springs, Arkansas.

Dear Sir:

You are hereby advised that the Commission has this day notified William Bush that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification of himself and his minor children as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6862.

Muskogee, Indian Territory, November 11, 1903.

T. J. Cole,

Attorney at Law,

Waxahachie, Texas.

Dear Sir:

You are hereby advised that the Commission has this day notified William Bush that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification of himself and his minor children as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6862.

Muskogee, Indian Territory, November 11, 1903.

William Bush,

Torrent, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and your minor children as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



CCP:1 M.C.R. 6862

Muskogee, Indian Territory, September 16, 1904.

William Bush,  
Torrent, Kentucky.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your two minor children, Sterling Bush and Elmer Bush.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James H. Hixby.*

Chairman.

Registered.

MCR- 6862.

Muskogee, Indian Territory, October 5, 1906.

William Bush,

Torrent, Kentucky.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of September 16, 1904, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Henry C. Townsend et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

6862

No.

6862

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7 1903

Name

William Bush

Age

26

Blood

1/16

Post Office,

Torrent, Ky.

Father:

John Bush A

Mother:

Amanda <sup>Meloney</sup> Bush I

Claims through

mother 1/8

wife

Sarah Bush, law

No claim for wife.

Children:

Sterling Bush, M. 3

Elmer " " 1

Claims for self  
and 2 minors.

Monographist Chas. W. Johnson.

AMISSON TO CHOCTAW

William Bush et al

DECISION RENDERED

SEP 16 1904

REFUSED, SEP 16 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

SEP 16 1904

C DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

SEP 16 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

SEP 16 1904

RECORD FORWARDED DEPARTMENT. OCT 19 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 16 1906

DEPARTMENTAL ACTION  
APPLICANT.

DEC 5 1906

FORWARDED AT DEPARTMENT OF INTERIOR

OCT 5 1906

NOTICE OF DEPARTMENTAL ACTION

CHICKASAW NATIONS.

OCT 5 1906

Choctaw MCR 6863

Lina Fortner

MCR 6863

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. March 7, 1903.

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In the matter of the application of Lina Fortner for the identification of herself and her seven minor children Ethel, Mary W., Ershel, With, Sallie, Cass and Minnie Fortner, as Mississippi Choctaws.

M. S. Cobb and T. J. Cole attorneys for applicants.

Lina Fortner being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Lina Fortner.  
Q What is your age? A Twenty-eight.  
Q What is your post office address? A Torrent, Kentucky.  
Q Is your father living? A No, sir.  
Q Is your mother living? A Yes, sir.  
Q What was your father's name? A John Bush.  
Q What is your mother's name? A Mandy Maloney.  
Q You claim through your mother? A Yes, sir.  
Q How much Choctaw blood do you claim? A I don't know.  
Q Well you claim half as much as your mother? A Yes, sir.  
Q Your brother claimed one-sixteenth is that right? A Yes, sir.  
Q His name is William Bush? A Yes, sir.  
Q He has just made application hasn't he? A Yes, sir.  
Q And your sister? A Yes, sir.  
Q You want your case considered under the case of your sister Mary Davis do you? A yes, sir.  
Q Was your mother one-eighth? A Yes, sir.  
Q Was she ever recognized or enrolled as a Choctaw Indian in Indian Territory? A I don't know.  
Q What is your husband's name? A Charlie Fortner.  
Q Is he living? A Yes, sir.  
Q What is his race? A White man.  
Q You don't make any claim for him? A No, sir.  
Q What is the name of your eldest child? A Ethel.  
Q How old? A Thirteen.  
Q Next? A Twelve.  
Q What is the name? Mary W.  
Q Next? A Ershel.  
Q Boy? A No, sir girl.  
Q How old? A Nine.  
Q The next? A With.  
Q Boy? A Yes, sir.  
Q How old? A Six.  
Q The next? A Sallie.  
Q How old? A Four.  
Q The next? A Cass.  
Q Boy? A Yes, sir.  
Q How old? A Two.

- Q One More? A Minnie.  
 Q How old? A Four months.  
 Q You claim for yourself and these children do you? A Yes, sir.  
 Q Is Charlie Fortner the father of these children? A Yes, sir.  
 Q Are you and he living together as husband and wife and are these children living with you at his home? A Yes, sir.  
 Q Is your name with the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know  
 Q You never lived in the Indian Territory did you? A No, sir.  
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.  
 Q Have you ever made any such application to the Dawes Commission under the act of Congress approved June 10 1896 for yourself and children? A No, sir.  
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No, sir.  
 Q Do you come before the Commission now to identify yourself and children as Mississippi Choctaws? A yes, sir.  
 Q You claim under article 14 of the treaty of 1830? A I don't know.  
 Q Well you ought to know because it is the only authority under which you can make your claim.

The treaty of 1830, or the treaty of "Dancing Rabbit Creek" was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27<sup>th</sup> of September 1830. The object of the treaty on the part of the government was to remove the Choctaw Indians, with their consent which consent was obtained when they signed this treaty, from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty and in order to protect those Indians who stayed back there in that old Choctaw Nation article 14 was put into that treaty, and was afterwards signed.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article

shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply with any of the provisions of that article do you know? A I don't know.
- Q What is the name of your ancestor that you claim through now? A Nancy Robinson.
- Q What relation to you was she? A Full blood Indian.
- Q But how related to you? A She was my greater grandmother.
- Q Great great grandmother? A Yes, sir.
- Q That is what you mean by greater? A yes, sir.
- Q What was her husbands name? A Lewis Robinson.
- Q Was he a whiteman? A Yes, sir.
- Q What was her daughter's name through whom you make your claim? A Susan.
- Q And what was her daughter's name? A Susan's daughter was Minerva Townsend.
- Q Do you claim through Minerva? A Yes, sir.
- Q What was Minerva's name? A She was a Townsend.
- Q Was she your mother's mother? A Yes, sir.
- Q Did any of these Choctaw ancestors live in Mississippi in 1830 and have families there then? A I don't know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between the years 1833 or 1848 or at any other time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw Nation for five years and then get a patent from the government for that land? A I don't know.
- Q Did any of your Choctaw ancestors go to Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to take land and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or before a commission in 1842 and claim any benefits under article 14 of the treaty of 1830? A I don't know.

These commissions were appointed by various acts of congress for the purpose of hearing Choctaw Indians who claimed that they had tried to register under article 14 within six months after the ratification of the treaty of 1830 but had been refused by Colonel Ward, the United States Indian Agent, and because of this refusal their land had been taken from them and sold by the government.

- Q Did any of your Choctaw ancestors receive scrip which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This scrip was issued under an act of Congress approved August 23, 1842 and was given to those Choctaw Indians who proved their rights under article 14 of the treaty of 1830 and also proved that their lands had been taken from them and sold by the government.



6863-4

Q Do you speak the Choctaw language? A No, sir.

Time will be allowed this applicant up to and inclusive of the 24th day of March 1903, for the introduction of other proof in this case if she so desires.

This applicant has the appearance and physical characteristics of being descended from white parentage, dark brown hair blue eyes, doesn't understand or speak the Choctaw language, and has no knowledge of a compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the foregoing entitled cause taken at Muskogee, Indian Territory, March 7, 1903, and that the above is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 27th day of March 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 6963.

Muskogee, Indian Territory, November 11, 1903.

Lina Fortner,

Torrent, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification of yourself and your minor children as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6863.

Muskogee, Indian Territory, November 11, 1903.

M. S. Cobb,

Attorney at Law,

Hot Springs, Arkansas.

Dear Sir:

You are hereby advised that the Commission has this day notified Lina Fortner that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification of herself and her minor children as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6863.

Muskogee, Indian Territory, November 11, 1903.

T. J. Cole,

Attorney at Law,

Waxahachie, Texas.

Dear Sir:

You are hereby advised that the Commission has this day notified Lina Fortner that she will be allowed thirty days from this date in which to submit further evidence in support of her application for identification of herself and her minor children as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

COPY.

M.C.R. 6863

Muskogee, Indian Territory, September 16, 1904.

Lina Fortner,

Torrent, Kentucky.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your seven minor children, Ethel Fortner, Mary W. Fortner, Ershel Fortner, With Fortner, Sallie Fortner, Cas Fortner and Minnie Fortner.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

*James Dixby.*

Chairman.

Registered.

MUR-6863

Muskogee, Indian Territory, October 5, 1906.

Lina Fortner,

Torrent, Kentucky.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on September 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of September 16, 1904, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Henry C. Townsend et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

6863

No.

6863

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7 1903

Name Lina Fortner.

Age 28 - Blood 1/16

Post Office, Torrent, Ky

Father: John Buch - d

Mother: Amanda Maloney l

Claims through mother, 1/8

Husband

Charlie Fortner, l. &amp; v.

Claims nothing for husband.

Children:

Echel Fortner, 13

Mary W. " 12

Ershel " F. " 9

Witt " M. 6

Sallie " 4

Cas " M 2

Minnie " 4 m

Claims for self &amp;

7 minors,

unmarried &amp; dependent

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW 686

*Lina Fortner et al*

DECISION RENDERED SEP 16 1904

REFUSED, SEP 16 1904

NOTICE OF DECISION FORWARDED  
APPLICANT SEP 16 1904

NOTICE OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

SEP 16 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS

RECORD FORWARDED DEPARTMENT. OCT 19 1904

APPROVED BY SECRETARY OF INTERIOR

SEP 16 1906

DEPARTMENTAL ACTION  
ON APPLICANT.

1906

DEPARTMENTAL ACTION  
FORWARD ATTORNEY FOR APPLICANT.

OCT 1 1906

DEPARTMENTAL ACTION  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

OCT 5 1906



Choctaw MCR 6864

Nancy F. Karr

MCR 6864

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. March 7, 1903.

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In the matter of the application of Nancy F. Karr for the identification of herself and her minor child Lon Karr as Mississippi Choctaws.

Nancy F. Karr being first duly sworn testified as follows:  
M. S. Cobb and T. J. Cole attorneys for applicant.

Examination by the Commission:

- Q What is your name? A Nancy F. Karr.  
Q What is your age? A Fifty.  
Q What is your post office address? A Curtis.  
Q What state? A Arkansas.  
Q How long have you lived there? A All my life.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What was your father's name? A Joe Pebworth.  
Q What was your mother's name? A Clover.  
Q Give me her given name? A Elizabeth Pebworth.  
Q She was a Clover before she married? A Yes, sir.  
Q Do you claim through your father? A Yes, sir.  
Q How much Choctaw blood do you claim? A One-fourth.  
Q Was your father one-half? A Yes, sir.  
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir.  
Q You don't mean that do you? A No, sir.  
Q Is your husband living? A Yes, sir.  
Q Is he a white man? A Yes, sir.  
Q No Indian? A No, sir.  
Q What is his name? A Lon Karr.  
Q Do you make any claim for him? A No, sir.  
Q Have you any children? A Three.  
Q Give the names of those under age and unmarried? A Lon.  
Q Just one? A Yes, sir.  
Q How old is he? A Eighteen.  
Q Do you claim for yourself and child? A Yes, sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory with your child? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the provision of the act of Congress of June 10, 1896 for yourself and son? A No, sir.  
Q Have you ever been enrolled with your son as members of the Choctaw tribe of Indians by any authority whatever up to the present time? A No, sir.  
Q Do you want to be identified with your son as Choctaw Indians now? A Yes, sir.

- Q As Mississippi Choctaws? A Yes, sir.  
 Q Do you claim under article 14 of the treaty of 1830? A Yes, sir.  
 Q Do you understand that article? A Yes, sir.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now do you know whether any of your Choctaw ancestors complied or attempted to comply with that article as you have heard it quoted?  
 A No, sir.  
 Q What is the name of your ancestor you are claiming through today?  
 A My grandmother.  
 Q What was her name? A Putsey Pebworth.  
 Q Was she your grandmother? A Yes, sir.  
 Q How much Choctaw blood did she have? A Full blood.  
 Q Did she live in Mississippi or Alabama in 1830? A Yes, sir.  
 Q Did she have a family there then? A Yes, sir.  
 Q Did she go to Colonel Ward within six months after the ratification of the treaty of 1830 and attempt to register under article 14 of that treaty? A I don't know sir.  
 Q Did she or any of your Choctaw ancestors live on land in that old Choctaw Nation for five years after that treaty was ratified and at the end of that time get a patent from the government for that land? A Yes, sir.  
 Q Do you know about that patent? A No, sir.  
 Q Do you know what a patent is? A No, sir I don't know as I do.  
 Q How do you know she got a patent if you don't know what one is? How do you know she got a patent? You don't really know about that do you? Just answer about what you know. Do you know about that patent? Do you know what a patent is? A (No answer.)  
 Q Did you ever see a patent? A No, sir.  
 Q What is it like? A (No answer.)  
 Q What is it any way? A (No answer.)  
 Q Is it land? A (No answer.)

- Q Why don't you say when you don't know? You don't know anything about this? You can't come before the Commission and put up a claim unless you know something about it? Why don't you say you don't know? Do you know what a patent is? A No, sir.
- Q Then why do you say that any of your Choctaw ancestors received patents from the government? A Because I have heard them say so.
- Q Why didn't you say so long while ago? Is it a matter of family history and tradition that some of your Choctaw ancestors did receive a patent from the government? A Yes, sir.
- Q Now did you ever hear that Patsey Pebworth received a patent from the government for land which she occupied in the old Choctaw Nation? A No, sir.
- Q Who was it had a patent for land do you know? A No, sir.
- Q Did any of your Choctaw ancestors go to Colonel Ward, the United States Indian Agent, within six months after the treaty of 1830 was ratified and register or attempt to register under article 14 of the treaty of 1830? If you don't know say so? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or 1840? A I don't know.
- Q Did any of them own improvements on ~~an~~ land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go before a commission appointed by an act of Congress of March 3, 1837 or a commission appointed by an act of Congress of August 23, 1842 and claim any benefits under article 14 of the treaty of 1830? A I don't know.

These commissions were appointed, one by an act of Congress of March 3, 1837 and the other by an act of August 23, 1842 for the purpose of hearing claimants who were Choctaw Indians and who had tried to register under Colonel Ward within six months after the treaty of 1830 was ratified and had been refused the right to register, and as a result of that refusal their land had been taken from them by the government and sold.

- Q Did any of your ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q Do you speak Choctaw? No, sir.

This applicant is allowed up to and inclusive of March 24, 1903 for the introduction of other proof in this case if she desires to do so.

- Q Have any of your relatives been before the Commission to be identified as Mississippi Choctaws? A Yes, sir.
- Q Who? A Mary Glover and Matilda Glover.
- Q What relation is Vassie Pebworth to you, so you know? A I don't know.
- Q Matilda A. Glover is she related to you? A Yes, sir.
- Q What relation? A She is my aunt.
- Q And Mary Glover? A Yes, sir.
- Q William M. Glover? A Cousin.

6864-4

Q William, David, Joe Pebworth, these are your borthers? A Yes, sir.

William Pebworth, M.C.R. 6793, David Pebworth M.C.R. 6794, Joe Pebworth M.C.R. 6795; these are all referred to to be consolidated with this case M.C.R. 6864, under M.C.R. 6144 Nancy F. Karr.

Examination by attorney:

Q You stated you had three children give their names? A The daughters.

Q Yes? A Lou and Rosie.

Q Is Lou Married? A Yes, sir.

Q Who is her husband? A John Franklin.

Q Is John Franklin here? A Yes, sir.

Q What is the other daughter's name? A Rosie.

Q Is she married? A Yes, sir.

Q Who is her husband? A James Draper.

Q Is he here? A Yes, sir.

Q Why are your daughters not here? A They are sick.

Q Both sick? A Yes, sir.

Q Is there any reason why they soundn't be here before the 24th of this month? A They are not able to get here.

Q Both expecting to be confined? A Yes, sir.

By Commission:

This applicant has the appearance of being descended from white parantage, brown hair, gray eyes, medius fair complexion; she has no knowledge of the Choctaw language and no knowledge of a compliance on the part of any of her ancestors with the provisions of article 14.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 7, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 27th day of March 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 6864.

Muskogee, Indian Territory, April 6 , 1904.

Nancy F. Karr,

Curtis, Arkansas,

Dear Madam:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your child Lou Karr as Mississippi Choctaw Indians, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

Commissioner in Charge.

COPY.

N.C.R. 6864

Muskogee, Indian Territory, April 12, 1904.

Nancy F. Karr,

Curtis, Arkansas,

Dear Madam:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying you and your child, Lou Karr, as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that you will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27th, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

USING

Commissioner in Charge.

Registered.



M.C.R. 6864.

Muskogee, Indian Territory, October 27, 1904.

Nancy F. Karr,

Curtis, Arkansas.

Dear Madam:

You are hereby notified that on October 27, 1903, the commission to the Five Civilized Tribes rendered a decision identifying Nancy F. Karr and Lon Karr as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

"All persons duly identified by the Commission to



N. F. K., 2.

the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1896, (30 Stat., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission, at Atocha, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

Commissioner in Charge.

6864

No. 6864

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 7 1903

Name Nancy F. Karr.

Age 50. Blood 1/4

Post Office, Curtis, Ark

Father: Joe Peabworth, d

Mother: Elizabeth " d

Claims through father, 1/2  
Husband.

Lon Karr. Son.

No claim for husband

Children:

Lon. Karr 18

Claims for self  
and one minor

Monographs Char. Leffingwell.

MISSISSIPPI CHOCTAW.

R. 6864

*Nancy A. Harr et al*

IDENTIFIED

DECISION RENDERED

OCT 27 1903

NOTICE OF DECISION FORWARDED  
APPLICANT

OCT 27 1903

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

JAN 11 1904

ACTION BY SECRETARY OF INTERIOR.

FORWARDED ATT

PART

NET

SAW

REFER TO M. C. R.

Choctaw MCR 6865

Henry H. Clover

MCR 6865

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 7, 1903.

6865

In the matter of the application of Mittie Bullock for the  
identification of Henry H. and Josie Clover as Mississippi Choctaws

T. J. Cole, attorney for applicants.

Mittie Bullock being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mittie Bullock.  
Q What is your age? A Twenty seven.  
Q What is your post office address? A Bradshaw, Arkansas.  
Q How long have you lived there? A Twenty four years.  
Q Where did you live before that? A In Dallas County Arkansas.  
Q You always have lived in Arkansas? A Yes sir.  
Q Is your father living? A Yes sir.  
Q Is your mother? A No sir.  
Q What is your father's name? A Theophilus ~~Starks~~ Denson.  
Q What was your mother's name? A Sally Denson.  
Q Do you claim through your father or mother? A I am to register  
for my children under their father; this is my second husband  
that I live with now; my first husband's dead and I want to re-  
gister for his two children.  
Q You are a white woman, are you? A Yes sir.  
Q Are these children that you want to register for living with  
you at your home? A Yes sir.  
Q How many children do you want to register for? A Two.  
Q You came before the Commission now then to make application for  
identification as Mississippi Choctaws of your two minor children,  
do you? A Yes sir.  
Q They claim their Choctaw blood through your husband, their father?  
A Yes sir.  
Q What was your husband's name? A William Hector Clover.  
Q Did he have Choctaw blood? A Yes sir.  
Q How much Choctaw blood did he have? A One eighth.  
Q He is dead? A Yes sir.  
Q When did he die? A He has been dead 6 years November 27th.  
Q What are the name of the children you want to make applica-  
tion for; his children? A Henry H. Clover.  
Q How old is Henry? A Eleven years old.  
Q The next? A Josie Clover.

Q How old? A She is seven last September.

Q Are these the only children that you want to make application for? A s having Choctaw blood which they derive from their father, your deceased husband, Wm.H.Clover? A Yes sir.

Q Has their father, your deceased husband, Wm.H.Clover, ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities in the Indian Territory or the Dawes Commission under the act of Congress of June 10, 1866? A No sir.

Q Was application ever been made for them by any person to either the Choctaw tribal authorities or the authorities of the United States in the Indian Territory for citizenship in the Choctaw Nation? A I don't know.

Q No application has ever been made for them as far as you know? A No sir.

Q And no application was made for them to the Dawes Commission under the act of Congress of June 10, 1866? A Not that I know of.

Q Do you come before the Commission at this time in order to make an application for the identification of these two minor children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830 for them? A Yes sir.

Q Do you understand that article? A Yes, I have heard it explained.

Q Well, don't you think you understand it well enough to claim for the children under it? A Yes sir.

That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the name of the ancestor through whom you claim the right to identification for these children as Mississippi Choctaws? A Mary A. Clover is their great grandmother; she was a Mary Peabworth.

Q She has been before the commission to be identified as a Mississippi Choctaw, hasn't she? A Yes sir.

Her case is M.C.R. 6782.

Q Well, now, go back a little farther and give me the ancestor who lived in Mississippi or Alabama in 1830 if you can? A Peter

Pebworth.

Q What relation was she to these children? A She was their great great grandmother.

Q How much Choctaw blood did she have? A She was full blood.

Q Was that her maiden or married name? A That was her married name.

Q What was her husband's name? A Henry Pebworth.

Q White man? A Yes sir.

Q Did she live in Mississippi in 1830? And have a family there then? A Yes sir.

Q Did she go to Col. Ward within six months after the treaty of 1830 was ratified and register or attempt to register under that fourteenth article of that treaty? A If she did I don't know.

Q Did any of your childrens' Choctaw ancestors live on land in the old Choctaw Nation five years and then get a patent from the Government for that land? A If they did I don't know.

Q Did any of the Choctaw ancestors of these children go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of that treaty of 1830 and the date of this application made by you today? A If they did I don't know.

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know sir.

Q Did any of them go before a Commission appointed in 1837 or 1842 and claim rights under article fourteen of the treaty of 1830? A I don't know whether they did or not.

These Commissions were appointed by various acts of Congress to hear Choctaw Indians who claimed that they had attempted to register under article fourteen of the treaty of 1830 and had been refused the right to registration and because of this refusal on the part of Col. Ward the agent they had their lands taken from them in that old Choctaw Nation and sold by the Government.

Q Did any of the Choctaw ancestors of these children receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know.

Q This scrip was issued under an act of Congress approved August 23, 1842.

Time will be allowed in this case for the introduction of other testimony if it is desired to introduce it up to and inclusive of the 24th day of March, 1906.

Q Do you want to have this case referred to the case of Vassie V. Pebworth? A Yes sir.

Q What relation is she to these children? A Their second or third cousin.

The case of Vassie V. Pebworth, M.C.R. 6144, is referred to for the purpose of consolidation.

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Henry O. Jaine being sworn on his oath states that as stenographer

to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause March 7, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 9 day of April, 1903.

*Charles McNamee*

Notary Public.



COPY:

Muskogee, Indian Territory, October 27, 1903.

Mittie Bullock,

Bradshaw, Arkansas.

Dear Madam:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying Henry H. Clover and Josie Clover as Mississippi Choctaws.


You are advised that a copy of the decision above referred to has this day been forwarded to Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902 (32 Stats., 641):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

  
Commissioner in Charge.

Registered.

M.C.R. 6865

Muskogee, Indian Territory, April 6, 1904.

Mittie Bullock,

Bradshaw, Arkansas,

Dear Madam:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Henry H. Clover and Josie Clover as Mississippi Choctaw Indians, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

Commissioner in Charge.

M.C.R. 6865

Muskogee, Indian Territory, April 12, 1904.

Mittie Bullock,

Bradshaw, Arkansas,

Dear Madam:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Henry H. Clover and Josie Clover as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that the persons so identified will have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

Commissioner in Charge.

6865

No.

6865

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7 1903

Name

Mittie Bullock

for

her 2 children -

Age

27

Blood

white

Post Office

Bradshaw, Ark.

Father:

Theophilus B. ~~Wagon~~

Mother:

Sattie

Chies

Claims through

Wm. H. Clover, Cho.  $\frac{1}{8}$  (d)

Children:

Henry H. Clover. "

Jodie " 7

Claims for 2  
minors

Stenographer

H. G. 7d min.

FOR IDENTIFICATION AS R. 68  
A MISSISSIPPI CHOCTAW.

*Henry A. Glover et*

- IDENTIFIED

DECISION NO. 100  
8001 - 100

NOTICE OF DECISION FORWARDED

APPLICANT

OCT 1900

NOTICE OF DECISION

ATTORNEY

CANON

NOTICE OF DECISION FORWARDED

APPLICANT

OCT

REFER TO M. C. R.

Choctaw MCR 6866

Henry Hanks

MCR 6866

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskegee, I.T. March 7, 1903.

6866

In the matter of the application of Henry Hanks for the identification of himself and his three minor children, Sherman, Fannie Lee and Jesse Grant Hanks, as Mississippi Choctaws.

S. Hurd, attorney for applicant.

Henry Hanks being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Henry Hanks.  
Q What is your age? A Fifty nine.  
Q What is your post office address? A Glencairn, Kentucky.  
Q Have you always lived in Kentucky? A Yes sir.  
Q How long in Glencairn? A Not very long.  
Q Is your father living? A No sir.  
Q Is your mother? A No sir.  
Q What is your father's name? A William Hanks.  
Q What is your mother's name? A Louisa.  
Q Do you claim through your father? A Yes sir.  
Q How much do you claim? A One fourth.  
Q Was your father one half Choctaw? A Yes sir.  
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the authorities of the United States? A Not as I know of.  
Q Are you married? A Been married; my wife's dead.  
Q What was her name? A Cordelia Hall before I married her.  
Q Was she a Choctaw Indian or white woman? A White woman.  
Q Do you want to make application for any minor children? A Yes sir.  
Q What is the name of the eldest? A Sherman Hanks.  
Q How old? A Seventeen.  
Q Next? A Fannie Lee Hanks, eleven.  
Q Next? A Jesse Grant Hanks; he is eight.  
Q Do you claim for yourself and these children? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation Indian Territory with these children? A No sir, not as I know.  
Q When and where were you married to your wife? A Powell County Kentucky in 1882.  
Q By a minister under a license? A Yes, I have got the license here.

Applicant offers a certified copy of the marriage certificate of Henry Hanks and Cordelia Hall, which is filed, marked Exhibit "A", and made a part of the record herein.



Q Have you proof of your parents' marriage with you? A No sir, I haven't.

Q Do you know when or where they were married? A I don't know when but it was in Montgomery County.

Q By a minister under a license? A I don't know.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities or the authorities of the United States- the Dawes Commission under the act of Congress of June 10, 1896? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any authority whatever? A No sir.

Q Do you come before the Commission at this time to be identified with your children as Mississippi Choctaws? A Yes sir.

Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article as read and explained to you? A No sir, I don't know.

The treaty of 1830 was made between the United States and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. The Government directed agents to try to get the Indians to go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation in Indian Territory and so that treaty was made for their removal but a good many Indians refused to go; so article fourteen was put into the treaty for their benefit. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know if your Choctaw ancestors complied with that article or attempted to? A I don't know.

Q Who do you claim through? A John Harper and wife Mary Ann I think.

Q How much Choctaw blood did John Harper have? A Full blood I think.

Q How much did his wife have? A The same.

Q What relation was John Harper to you? A My great grandfather.

Q And Mary Ann was your great grandmother was she? A Yes sir.

Q Did they live in Mississippi in 1830 and have a family there or in Alabama? A I don't know.

Q Do you know where they did live? A No sir.

Q Did they go to Col. Ward the agent for the Government in Mississippi within six months from the ratification of the treaty of 1830 and register or attempt to register under article fourteen of the treaty of 1830? A I don't know.

H. Hanks----3

Q Did they live on land in the old Choctaw Nation five years after the treaty of 1830 was ratified and then get a patent from the Government for that land? A Not that I know of.

Q Did they go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation, Indian Territory, with the other Indians at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A Not that I know.

Q Did they own any improvements on land in the old Choctaw Nation in 1830? A I don't know.

Q Did they go to the Commission of 1837 or before a Commission in 1842 and claim any benefits under article fourteen of the treaty of 1830? A I can't say.

These Commissions were appointed, the first one by an act of Congress approved March 3, 1837, and the other by an act approved August 23, 1842, for the purpose of hearing Choctaw Indian who claimed that they had attempted to register under article fourteen of the treaty of 1830 but had been refused the right to register by Col. Ward and as a result of that refusal their land had been taken from them in the old Choctaw Nation and sold by the Government.

Q Did any of your Choctaw ancestors get any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A Not as I know.

Q This scrip was issued under the act of Congress approved August 23, 1842. Are you related to Jasper Chambers? A Yes sir, first cousin.

His case, M.C.R. 5670 is referred to for the purpose of consolidation.

Q You want to have your case considered with his, don't you?

A Yes sir.

Q Are you related to Christopher C. Hanks? A Yes, first cousin.

The application of Christopher C. Hanks, M.C.R. 6508, is referred to.

This applicant is allowed to and including the 24th day of March, 1903, for the introduction of other proof in this case.

Q What is the color of your hair? A Black.

Q Do you speak or understand the Choctaw language? A No sir.

This applicant has gray hair and whiskers--he says his hair was formerly black--his complexion is dark; he has brown eyes; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of any of his ancestors with the provisions

H. Hanks-----4

of article fourteen of the treaty of 1830.

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Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings in the above entitled cause on March 7, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

M.C.R. 6866.

Ruskogee, Indian Territory, November 6, 1903.

Henry Banks,

Glencairn, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6866.

Muskogee, Indian Territory, November 6, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified Henry Hanks that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 21, 1904.

Henry Hanks,

Glencairn, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your three minor children, Sherman, Fannie L. and Jesse G. Hanks, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorney of record, S. Heard, Esq., Tishomingo, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted together with such argument and brief as may be submitted by your attorney of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R.6866.

Muskogee, Indian Territory, June 26, 1905.

Henry Hanks,

Glencairn, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6865

No.

6866

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7 1903

Name

Henry Hanks.

Age

59.

Blood

1/4

Post Office,

Glencoin. Ky.

Father:

William Hanks. d

Mother:

Lorina .. d

Claims through

father. 1/2  
wife.

Cordelia Hanks. d. w.

Children:

Sherman Hanks. 17

Fannie L. .. "

Jesse L. .. M 8

Claims for sep &  
3 minors

Stenographer

N. G. Hanks



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 6866

*Henry Hawks et al*

DECISION RENDERED.

MAR 2 1904

COPY OF DECISION  
ATTORNEYS FOR THE  
CHICKASAW NATION.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 10 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF THE INTERIOR.

MAR

RECEIVED  
AT THE DEPARTMENT OF THE INTERIOR.

JUN 13 1904

RECEIVED  
AT THE DEPARTMENT OF THE INTERIOR.

FORWARDED TO THE DEPARTMENT OF THE INTERIOR.

RECEIVED

JUN 13 1904

Choctaw MCR 6867

Lou Franklin

MCR 6867

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 7, 1903.

M.C.R.

6867

In the matter of the application of John A. Franklin, a white man, for the identification of his wife, Lou Franklin, and her three minor children, Alfus R., Homer Lee and Quinon Hubert Franklin, as Mississippi Choctaws.

T. J. Cole, attorney for applicant.

John A. Franklin being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John A Franklin.  
Q What is your wife's name? A Lou Franklin.  
Q What is your age? A Twenty five years old.  
Q You are a white man? A Yes sir.  
Q What is your post office address? A Curtis, Arkansas.  
Q Do you come before the Commission at this time for the identification as Mississippi Choctaws of your wife and your three minor children? A Yes sir.  
Q Are they living with you at your home? A Yes sir.  
Q What is the age of your wife? A She is twenty five.  
Q And her post office address is the same, Curtis, Arkansas? A Yes sir.  
Q Has she always lived in Arkansas? A Yes sir.  
Q Was born and raised there? A Yes, and Curtis has been her post office ever since she was born.  
Q What is the name of the father of your wife? A L.L.Karr.  
Q Is he living? A Yes sir.  
Q Is the mother living? A Yes sir.  
Q What is the name of the mother of your wife? A Nancy Karr.  
Q She came before the Commission today, didn't she, to be identified as a Mississippi Choctaw? A Yes sir.  
Q You claim for your wife through her mother then do you? A Yes sir.  
Q How much Choctaw blood do you claim your wife has? A One eighth  
Q Is her mother one quarter Choctaw? A Yes sir.

The application of Nancy P. Karr, mother of Lou Franklin, M.C.R. 6864, is here referred to and both are to be considered under the case of Vassie V. Febaworth, M.C.R. 6144, for the purpose of consolidation.

Q Was your wife's mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the authorities of the United States? A No sir.

Lou Franklin----2

Q Do you come before the Commission now to identify your wife as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.

Q You have heard that article explained? A Yes sir.

Q Do you think you understand it well enough to claim under it for your wife? A Yes sir.

The article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Q Do you know if any of your wife's Choctaw ancestors ever complied or attempted to comply with that article? A No sir.

Q What is the name of your wife's Choctaw ancestor that you claim through for her? A Nancy Karr.

Q That is her mother? A Yes sir.

Q Well, go back as far as you can. A Well, her father's name was Pebsworth and his mother was Patsy Pebsworth.

Q What relation was Patsy Pebsworth to your wife? A I can't tell you that.

Q What was her husband's name? A Henry Pebsworth, but I can't tell for sure; if it aint I can't tell you.

Q You think Patsy Pebsworth's husband's name was Henry Pebsworth? A It was Pebsworth that's all I can tell you.

Q How much Choctaw blood did Patsy Pebsworth have? A Full blood.

Q Was she married and living in Mississippi in 1830? A So I have been told.

Q She was head of a family there then, was she? A Yes sir.

Q Did she go to Col. Ward within six months after the treaty of 1830 was ratified and register or attempt to register under article fourteen of the treaty of 1830? A I don't know sir.

Q Did she or any Choctaw ancestors of your wife live on land in that old Choctaw Nation for five years and then get a patent from the government for that land? A I don't know.

Q Did any of your wife's Choctaw ancestors go from that old Choctaw Nation, East of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application today? A No sir, not as I know of.

Q Did they go between 1833 and 1836 with the other Indians under the treaty? A Not that I know of.

Lou Franklin----3

Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A Not that I know of.  
Q Did any of your wife's Choctaw ancestors go before a Commission in 1837 or 1842 which Commissions heard claimants under article fourteen of the treaty of 1830? A Not that I know of.

Those Indians who went before these Commissions claimed that they had tried to register under article fourteen of the treaty of 1830 within six months from the ratification of the treaty of that treaty but that Col. Ward had refused to allow them to register and because of this they had lost their land in the old Choctaw Nation; it had been taken from them by the Government and sold at Public Land Sale.

Q Did any of the Choctaw ancestors of your wife receive any scrip from the Government which entitled them to select land in Mississippi, Alabama, Arkansas or Louisiana? A I don't know; not that I know of.

Q This scrip was issued under an act of Congress approved August 23, 1842, ; You don't make any claim for yourself, do you, as an inter-married Mississippi Choctaw? A No sir.

Q You have children, have you, by this wife that you also want to make application for? A Yes sir.

Q What is the name of the oldest? A Alphon R. Franklin.

Q How old is he? A Six years old.

Q Next? A Homer Lee. He is three years old.

Q Next? A Quinon Hubert.

Q How old? A He is one year old.

Q Is that all? A Yes sir.

Q Do you want to introduce this doctor's certificate in reference to the physical condition of your wife, Lou Franklin? A Yes

This paper signed by Dr. Samuel Bourland, filed, marked Exhibit "A" and made a part of the record in this case.

----

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case March 7, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains.*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

In the matter of the application of Matilda Clover, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of:

|                              |             |
|------------------------------|-------------|
| Matilda Clover,              | M.C.R. 6790 |
| Henry Tucker,                | M.C.R. 7243 |
| Charlie McClosky, et al.,    | M.C.R. 7242 |
| George Tucker,               | M.C.R. 7244 |
| Katie Wilson, et al.,        | M.C.R. 7309 |
| Nancy F. Karr, et al.,       | M.C.R. 6864 |
| Lou Franklin, et al.,        | M.C.R. 6867 |
| Rosie Draper, et al.,        | M.C.R. 6868 |
| William Pebworth, et al.,    | M.C.R. 6793 |
| David Pebworth, et al.,      | M.C.R. 6794 |
| Joe Pebworth, et al.,        | M.C.R. 6795 |
| Joe Willie Hunter, et al.,   | M.C.R. 7246 |
| Earnest Q. Clover, et al.,   | M.C.R. 7318 |
| Josiah W. Clover, et al.,    | M.C.R. 6792 |
| Mary Clover,                 | M.C.R. 6789 |
| William Marshall Clover,     | M.C.R. 6791 |
| Henry H. Clover, et al.,     | M.C.R. 6865 |
| Mary Ann Barr,               | M.C.R. 7240 |
| Benjamin J. Guice,           | M.C.R. 7241 |
| Willie Ann Lehaw, et al.,    | M.C.R. 7245 |
| Freddie C. Rickette, et al., | M.C.R. 7307 |
| William G. Jordan,           | M.C.R. 7308 |
| Doroth A. Patterson, et al., | M.C.R. 7421 |
| Vassie V. Pebworth, et al.,  | M.C.R. 6144 |
| Roscoe W. Pebworth, et al.,  | M.C.R. 6145 |

---: D E C I S I O N :---

It appears from the record herein that applications for  
identification as Mississippi Choctaws were made to this Commission

by Matilda Clover for herself; by Henry Tucker for himself; by Henry C. McClosky for his two minor children, Charlie and Henry McClosky; by George Tucker for himself; by Katie Wilson for herself and her minor child, William C. Wilson; by Nancy F. Karr for herself and her minor child, Lon Karr; by John A. Franklin for his wife, Lou Franklin, and his three minor children, Alfus R., Homer Lee and Quinon Hubert Franklin; by James Draper for his wife, Rosie Draper, and his two minor children, Maggie and Charlie Draper; by William Pebworth for himself and his six minor children, William H., Lillie May, Pearl, Zelma, Maggie and Josie Pebworth; by David Pebworth for himself and his four minor children, Artie, Charley, Lee and Clarence Pebworth; by Joe Pebworth for himself and his minor child, Josie Viola Pebworth; by Joewillie Hunter for herself and her two minor children, Mary and Pearl Hunter; by Robert L. Clover for his three minor children, Earnest Q., Thomas L. and Eugie E. Clover; by Josiah M. Clover for himself and his three minor children, Nettie Lee, Robert Arthur and Leander Louis Clover; by Mary Clover for herself; by William Marshall Clover for himself; by Mittie Bullock for her two minor children, Henry H. and Josie Clover; by Mary Ann Barr for herself; by Benjamin J. Guice for himself; by Willie Ann Lehuw for herself and her two minor children, Floyd and Ophelia Lehuw; by William M. Ricketts for his two minor children, Freddie C. and Dossie Ricketts; by William C. Jordan for himself; by William M. Patterson for his three minor children, Doroth A., Shelby A. and Howell M. Patterson; by Ada F. Champion for her two minor children, Vassie V. and Veld Preston Pebworth; and by Emma F. Barnes for her three minor children, Rescoe W., Jephthar A. and Marshal W. Pebworth, under the following provision of the act of Congress approved June 23, 1908 (35 Stat., 493):



"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants, except those embraced in M.C.R. 6144 and M.C.R. 6145, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Patny (or Patsey) Pebworth (or Pebsworth), nee McCan (or McCann), who is alleged to have been a Choctaw Indian, degree of blood not positively stated, and to have resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty; that the applicants embraced in M.C.R. 6145 claim said rights by reason of being descendants of Henry Pebsworth, who is alleged to have been a full-blood Choctaw Indian; and that the applicants embraced in M.C.R. 6144 claim said rights by reason of being descendants of both the above named ancestors.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321).

It appears, however, that under the provisions of the act of Congress approved June 10, 1896 (29 Stat., 321), applications



were made to this Commission for the admission of Henry Tucker (case No. 64); Freddie C. and Dossie Ricketts (case No. 671); Katie Wilson (case No. 694); William Marshall Clover (case No. 715); Mary Ann Barr (case No. 894); Willie Ann Lehuw (case No. 536); Mary Clover (case No. 759); William, William H., Lillie May, Pearl and Zelma Pebworth (case No. 572); David Pebworth (case No. 564); Joe Pebworth (case No. 574); Josiah M., Nettie Lee and Robert Arthur Clover (case No. 379); and Vassie V. and Void Preston Pebworth (case No. 555), to citizenship by blood in the Choctaw Nation.

These applicants were denied citizenship in the Choctaw Nation by this Commission under the provisions of the act of Congress of June 10, 1896, and no appeal was taken from such decision in the time prescribed by the provisions of said act.

It appears that Matilda Clover, applicant in M.C.R. 6790 and Mary Clover, applicant in M.C.R. 6789, are more conversant with their family history than any of the other applicants, and from their testimony it appears that they are the children of Henry Pebworth, a white man, and Patsy Pebworth, nee McCan (or McCann), a full-blood Choctaw Indian; that the other applicants herein are lineal descendants of said ancestors; that they were born in the Choctaw Nation in Mississippi and resided thereuntil about the year 1828 or '29 when they removed with their parents to the Alabama strip on the Tombigbee river; that they started for the Indian Territory in the year 1836 with a large number of Indians, but upon their arrival at Clark county, Arkansas, they decided to remain there; that Henry Pebworth was killed in 1842 while upon a hunting expedition, and that Patsy Pebworth died in 1844; that Patsy Pebworth was married prior to her marriage to Henry Pebworth, to a man by the name of Bean, and by him had one child who bore the name of Jim, who, at the time of the treaty, was about fifteen years of age; that up to the time of the treaty there had been born to Henry and Patsy Pebworth five children, whose names and ages at that time were

as follows: Amy, eleven; Joseph, nine; Robert, seven; Matilda, five and Mary, three, the latter two being applicants herein; that before leaving Alabama, there was born to said Henry and Patsy Pebworth, two other children; Caroline, in 1831 and John in 1833 or '34; that in 1837, after having taken up their residence in Arkansas, there was born to them a child named Emily, and that in 1839 or '40 there was also born to them another child who died in early infancy and whose name these applicants are unable to give.

There has been filed, for record in this case, a certified copy of a patent issued to Henry Pebworth, under the fourteenth article of the treaty of eighteen hundred and thirty, for three sections of land located in Alabama.

The records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, show, on page 18 of the Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, in an excerpt from Ward's register, that Henry Pebworth, a white man, complied for his Indian wife and six children, four of whom were under ten and two over ten years of age at that time.

The applicants in U.C.R. 6144 and U.C.R. 6145, claim that Henry Pebworth was a full-blood Choctaw Indian and that Patsy Pebworth was a white woman, or possessed very little Choctaw blood. This discrepancy may be accounted for in view of the fact that their mothers, who made the applications in their behalf, were unacquainted with the history of the Pebworth family, and, as they state, testified merely from hearsay.

The testimony of the principal applicant and that of her sister, Mary Clover, coincides with the record above cited, and it

is, therefore, reasonable to conclude that the Henry Pebworth mentioned in said record, and to whom said patent to land was issued, was their father; that Patsy Pebworth, a full-blood Choctaw Indian, was their mother, and that the other applicants herein are their lineal descendants.

It is therefore the opinion of this Commission that the evidence herein is sufficient to determine the identity of Matilda Clover, Henry Tucker, Charlie McClosky, Henry McClosky, George Tucker, Katie Wilson, William C. Wilson, Nancy F. Harr, Jon Harr, Lou Franklin, Alfus R. Franklin, Homer Lee Franklin, Quinn Hubert Franklin, Rosie Draper, Maggie Draper, Charlie Draper, William Pebworth, William H. Pebworth, Lillie May Pebworth, Pearl Pebworth, Zelma Pebworth, Maggie Pebworth, Josie Pebworth, David Pebworth, Artie Pebworth, Charley Pebworth, Lee Pebworth, Clarence Pebworth, Joe Pebworth, Josie Viola Pebworth, Joawillie Hunter, Mary Hunter, Pearl Hunter, Earnest C. Clover, Thomas L. Clover, Maria E. Clover, Josiah M. Clover, Nattie Lee Clover, Robert Arthur Clover, Leander Louis Clover, Mary Clover, William Marshall Clover, Henry H. Clover, Josie Clover, Mary Ann Barr, Benjamin J. Guice, Willie Ann Lehuw, Floyd Lehuw, Ophelia Lehuw, Freddie C. Ricketts, Dossie Ricketts, William G. Jordan, Doroth A. Patterson, Shelby A. Patterson, Howell M. Patterson, Vasile V. Pebworth, Vold Preston Pebworth, Roscoe W. Pebworth, Jepthar A. Pebworth and Marshall H. Pebworth, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be granted, and

it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED):

Sam Dickey.

Chairman.

(SIGNED):

T. B. Needles.

COMMISSIONER.

(SIGNED):

C. R. Breckinridge.

COMMISSIONER.

(SIGNED):

W. E. Stanley.

COMMISSIONER.

Muskogee, Indian Territory,

OCT 27 1903.

Muskogee, Indian Territory, October 17, 1903.

J. A. Franklin,  
Bradshaw, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you state that you have not heard anything about the Pebsworth case for a long time.

In reply you are informed that it appears from our records that on March 7, 1903, John A. Franklin made application for the identification of his wife, Lou Franklin, and three minor children, Alfus R., Homer L. and Quinon H. Franklin, as Mississippi Choctaws; said application being made a part of the consolidated Mississippi Choctaw case of Vassie V. Pebsworth, et al.

Up to the present time no decision has been rendered relative to the right of your wife and children to such identification. As soon as a decision is rendered they will be duly notified thereof.

Respectfully,

Commissioner in Charge.

CODE M.C.R. 6867.

Muskogee, Indian Territory, April 6, 1904.

John A. Franklin,  
Bradshaw, Arkansas,

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Lou Franklin, Alfus R. Franklin, Homer L. Franklin and Quinon H. Franklin, as Mississippi Choctaws Indians, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

(SIGNED)

*I. E. Necales.*  
Commissioner in Charge.

Muskogee, Indian Territory, April 9, 1904.

J. A. Franklin,

Bradshaw, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 23, 1904, by reference from the Secretary of the Interior. Therein you state that you have not heard anything from your case for some time and ask to be advised whether any action has been taken therein. You state that the case concerning which you make inquiry is connected with the "Pebworth Mississippi Choctaws."

As advised in our letter under date of April 6, 1904, the Secretary of the Interior, on that date, affirmed the decision of this Commission identifying your wife, Lou Franklin, and minor children, Alfus R. Franklin, Homer L. Franklin and Quinon H. Franklin, as Mississippi Choctaws.

The six months allowed duly identified Mississippi Choctaws within which to remove to and make settlement within the Choctaw-Chickasaw country, Indian Territory, begin to run from the date of the decision of the Commission to the Five Civilized Tribes, identifying them as Mississippi Choctaws. Therefore it would be necessary that your wife and children make such removal prior

J. A. F., 2.

to April 27, 1904.

Respectfully,

Commissioner in Charge.



Muskogee, Indian Territory, April 12, 1904.

John A. Franklin,  
Bradshaw, Arkansas,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Lou Franklin, Alfus R. Franklin, Homer L. Franklin and Quinon H. Franklin as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that the persons so identified have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R. 6867.

COPY.

Muskogee, Indian Territory, October 27, 1904.

John A. Franklin,

Bradshaw, Arkansas.

Dear Sir:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying Lou Franklin, Alfus R. Franklin, Homer Lee Franklin and Quinon Hubert Franklin as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded Messrs. Mansfield, McMurray & Cernish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above-named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1, 1902, (32 Stat., 641):

J. A. F., 2.

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, (30 Stat., 495) as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission, at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Registered.

E. D. McAllister.  
Commissioner in Charge.

M C R 6867

Muskogee, Indian Territory, April 19, 1905.

John Franklin,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the application for the enrollment of Authie Lois Franklin, infant child of John and Lou Franklin, born April 25, 1903, as a citizen of the Choctaw Nation.

Respectfully,

Chairman.

MCR 6867

Muskogee, Indian Territory, July 2, 1906.

Lon Franklin,

Durant, Indian Territory.

Dear Madam:

Replying to your letters of the first and sixteenth instant , relative to the application for the enrollment as a citizen of the Choctaw Nation of General D. Franklin, minor child of yourself and John A. Franklin, you are advised that from the information contained in your last letter this office has located your name upon its records as an identified Mississippi Choctaw.

The application for the enrollment of your child will be taken up for consideration in the near future.

Respectfully,

Commissioner.

(567)

No.

1867

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7 1903

Name John A. Francis (w.) 25-  
for Fox Francis & 3 min  
Age of wife. 25 Blood of wife '18

Post Office, Curtis, Ark.

of wife  
Father: L. L. Kerr, l.

Mother: Nancy .. l.  
wife

Claims through mother - '14

No claim for  
John A. Francis  
father of following  
children: -

Alfus R. Francis 6  
Homer L. " 3  
Quinn H. " 1

Claim for  
wife & 3  
min

Stenographer H. S. Harris

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW.

R. 686

*Lon. Franklin*

IDENTIFIED

DECISION RENDERED

NOV 25 1903

NOTICE OF DECISION FORWARDED  
APPLICANT

NOV 25 1903

NOTICE OF DECISION  
FORWARDED AT TORNEY  
FOR APPLICANTS.

NOV 25 1903

COPY OF DECISION FORWARDED  
AT TOLSON'S CHOCTAW AND  
CHICKASAW NATIONS.

NOV 25 1903

RECORDED FOR AMERICAN

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

REF TO M. C. R

D

NOV 25 1903

Choctaw MCR 6868

Rosie Draper

MCR 6868



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 7, 1903.

6868

In the matter of the application of James Draper for the identification of his wife, Rosie Draper, and her two minor children, Maggie and Charlie Draper, as Mississippi Choctaws.

T. J. Cole, attorney for applicant:

James Draper, a white man, being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James Draper.  
Q How old are you? A Twenty four.  
Q How much Choctaw blood do you claim? A I don't claim any for myself; it is for my wife.  
Q You desire then to make application for your wife? A Yes sir. And children.  
Q What is the name of your wife? A Rosie or Rose; Rosie.  
Q Draper? A Yes sir.  
Q What is her age? A Twenty two.  
Q How much Choctaw blood does she claim? A The eighth.  
Q What is the post office address of your wife? A Gum Springs, Arkansas.  
Q What is the name of your wife's father? A Lon Karr.  
Q Is he living? A Yes sir.  
Q What is the name of your wife's mother? A Nancy Karr.  
Q Is she living? A Yes sir.  
Q Through which one of her parents does she claim her Choctaw blood? A Her mother.  
Q When and where were you married to your wife? A I was married in Arkansas four years ago.  
Q married by a minister under a license? A Yes, under a license.  
Q Have you children? A Yes sir.  
Q How many? Give their names and ages commencing with the oldest.  
A There's two; Maggie Draper.  
Q How old? A Three years old.  
Q next? A Charlie Draper.  
Q How old? A One.  
Q Is Rosie Draper the mother of both of these children? A Yes sir.  
Q You are the father? A Yes sir.  
Q Yourself and wife are living together as husband and wife at this time? A Yes sir.  
Q Why is it that she does not appear herself and make application? A She is looking to be confined at any time; she wouldn't be able to get here till after the 28th.

~~Applicant offers certificate of Sam Bourland as to his~~

wife's inability to make personal application.

Q How much Choctaw blood was your wife's mother possessed of?

A One quarter.

Q What was the name of your wife's mother's father? A Joe Pebsworth.

Q What was the name of your wife's mother's mother? A Patsy Pebsworth.

Q Whom does she get her Choctaw blood from; her father or mother. A From her father.

Q Is Joe Pebsworth the Choctaw? A Yes sir, I reckon. As well as I recollect.

Q Did your mother-in-law get her Choctaw blood from her mother or her father? A From her mother.

Q And she got it from her mother, Patsy Pebsworth? A Yes sir.

Q How much Choctaw blood did Patsy Pebsworth have? A She was full blood.

Q What was her name before she married Joe Pebsworth, do you know? A No sir; I don't recollect.

Q Do you know any of Patsy Pebsworth's ancestors' names? A No sir.

Q That's as far back in the ancestry of your wife -- A yes sir.

Q And it is claimed that Patsy Pebsworth was a full blood Choctaw? A Yes sir.

Q Is the name of your wife to be found on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.

Q Did she or anyone for her ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.

Q Did your wife in 1896 or anyone for her make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of June 10, 1896? A No sir.

Q Has your wife ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir, not that I know of.

Q Is it your purpose now to make application for your wife and two minor children for identification under article fourteen of the treaty of 1830? A Yes sir.

This treaty was entered into between the United States and the Choctaw Indians on the 27th of September, 1830 at a place in Mississippi called Dancing Rabbit Creek; the object of the treaty was to secure the removal of all the Choctaw Indians from the country they then occupied to a new country West of the Mississippi River which is now the Choctaw Nation, Indian Territory. At the time the treaty was made a great many Choctaws objected to moving to this country but preferred to remain in the old Choctaw Nation. For the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a

reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

This article fourteen required that in case a Choctaw elected to remain in the old Choctaw Nation and become a citizen of the States and take lands under its provision he should within six months from the date of the ratification of the treaty by Congress of the United States-- and the treaty was ratified by Congress February 24, 1831, -- appear before the Government agent there in the old Choctaw Nation and signify to him, that is let him know in some way, that he wanted to remain in the old Choctaw Nation and take lands under this article. After having done that he was as head of a family entitled to one section to be bounded by sectional lines of survey and for each child in his family over ten years of age he was entitled to one half section or 320 acres of land and for each child under ten a quarter section or 160 acres of land, the reservations of the children to adjoin the reservations of the parent and to include any improvements owned by the head of the family. This article also required that those Choctaws should reside upon this land for five years after which time a patent should be given to him so that he could dispose of the land at his pleasure. The last clause of the article reads as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that a Choctaw who remained in the old Choctaw nation and took his lands and otherwise complied with the article by remaining upon his land and receiving a patent for the same would not lose his right to Choctaw citizenship but did forfeit his right to participate in any annuities; they were moneys paid annually to the Choctaw Nation under treaty provision.

Q That is the article under which you claim for your children and your wife, is it? A Yes sir.

Q What is the name of your wife's Choctaw ancestor who lived in the old Choctaw Nation when this treaty was made in 1830? A As well as I understand, Patsy Pebsworth.

Q From whom did you get that information from members of your wife's family and your wife? A Yes sir.

Q Did she within six months from the ratification of the treaty go to a Government agent there and tell him that she wanted to take land in Mississippi, remain there and become a citizen of the States? A No sir.

Q She didn't? A Not that I remember.

Q Not that you know of? A No sir.

Q Was she a recognized citizen of the Choctaw tribe of Indians at the time this treaty was made? A Not that I know of.

Q All you know, then, is that she resided in the State of Mississippi at the time the treaty was made? A Yes sir.

Q You don't know whether she was a recognized citizen generally and went before the agent of the Government and signified an intention to remain in Mississippi, take land there and become a citizen of the States? A No sir.

Q Do you know whether your wife's ancestor, Patsy Pebsworth, owned any ~~gments~~ments on land in the old Choctaw nation in 1830?

A No sir, I don't.

Q Did she remove from the old Choctaw Nation in Mississippi or Alabama to the new Choctaw Nation Indian Territory between 1833 and 1838 at the time the main portion of the Choctaws moved over here? A Not that I know of.

Q Do you know whether she ever claimed or received any benefits as a Choctaw Indian under article fourteen? A No sir I don't.

In accordance with the provisions of article fourteen the Government directed an agent in Mississippi to register the names of those Choctaws who wanted to stay there and take lands under its provisions and become citizens of the States. The Government records show that this agent failed to register a great many Choctaws who appeared before him and signified their intention to stay and on this account the lands of many Choctaw Indians which they wanted to have reserved and upon which they had improvements were sold and the Choctaws dispossessed of their land. This caused many complaints which finally reached Congress and Congress under acts approved in March 3, 1837 and August 23, 1842, authorized Commissions to go into the old Choctaw Nation in Mississippi and Alabama and investigate these claims. These Commission investigated many claims- some they allowed, some were refused. Of the claims allowed if it was found that a Choctaw Indian had not been dispossessed of his land they were given those lands; if they had been dispossessed Congress authorized scrip to be issued in lieu of the lands of which they had been dispossessed.

Q Now, did any of your wife's Choctaw ancestors go before either of these two Commissions and attempt to prove any claims under article fourteen of the treaty of 1830? A No sir.

Q Do you know whether Patsy Pebsworth, your wife's Choctaw ancestor ever received a patent from the United States Government for lands under article fourteen of the treaty of 1830? A No sir, I don't.

Q Do you know whether she ever received any scrip for lands which it established a right to under article fourteen? A No sir.

Q Do you know of the existence of documentary evidence, such as patent, or deed to land, or of any evidence of any kind that would tend to show that Patsy Pebsworth was a beneficiary under article fourteen of the treaty of 1830? A No sir.

Q Was your wife any relatives who have been before the Commission for identification as Mississippi Choctaws? A Yes sir.

reference is made to the case of Vassie V. Pebsworth et al., M.C.R. 6144.

Q Does your wife speak or understand the Choctaw language? A No sir.  
 Q Do you make any claim to Choctaw blood yourself? A No sir.  
 Q What is the color of your wife's hair? A Kind of dark.  
 Q Dark brown or what? A Kind of black.  
 Q What is the color of her eyes? A Brown.  
 Q What is her complexion? A Dark skinned.  
 Q Have you any witnesses you want to introduce in support of your application today? A No sir. Yes sir.  
 (To attorney) Any questions? A No sir.

Applicant excused and L.L.Karr called and sworn as a witness testified as follows:

In the matter of the consolidated case of Vassie V. Pebsworth et al., M.C.R 6144.

Q What is your name? A L.L.Karr.  
 Q How old are you? A Fifty eight.  
 Q What is your post office address? A Curtis, Arkansas.  
 Q Do you make any claim to Choctaw blood? A No sir.  
 Q You appear before the Commission to testify in the matter of the applications included in the consolidated case of Vassie V. Pebsworth et al.? A Yes sir.

Examination by attorney:

Q How long have you lived in Curtis? A Nearly forty years.  
 Q Are you acquainted with Mary A. Clover? A Yes sir.  
 Q Matilda Clover? A Yes sir.  
 Q Were you acquainted with Joe Clover? A Yes sir.  
 Q What relation were these three? A Brothers and sisters.  
 Q What relation are you to the Pebsworths? A I married one of Joe Pebsworth's daughters.  
 Q Around the neighborhood there generally what was understood to be these people's relation to Indians? A Half Indians, Joe and the two Clover ladies.  
 Q Joe and Matilda and Mary A. Clover were half breed Indians?  
 A Yes sir.  
 Q And that was generally understood? A Yes, that's what they called them all when I came to that country; the old settlers called them half Indians.  
 Q Before you were married did you know your wife was part Indian?  
 A Yes sir.  
 Q What was Mary Clover's father's name? A Henry Pebworth, P-e-b-w-o-r-t-h.  
 Q What was the mother's name? A Patsy Pebworth.  
 Q Did you know either of these personally? A No sir; just heard of them after I came there.  
 Q You don't know where they came from to Arkansas? A Only hear-say.



Q Well, what did you understand from hear-say? A That they come from Mississippi. Somewhere close to the line of Alabama and Mississippi.

Q Did you ever hear that they came from near or on a certain river? A Yes sir.

Q What river? A Tombigbee. If I am not mistaken.

Q Did you ever hear that they owned any land over there?

A Yes I heard some talk of that.

Q Who did you hear that from? A Some of the family.

Q Which ones of them? A I am not sure, but possibly it was Mary or old man Joe Pebworth, my wife's father.

Q But you are positive that it was generally known in the neighborhood that these three, Mary A., Matilda and Joe Clover were half breed Indians. That's all.

By the Commission:

Q What kind of Indians were they considered? A Choctaw.

Q You have testified that you didn't know personally Patsy Pebworth? A No sir.

Q All the information, then, that you have given about Patsy Pebworth is what you got through Patsy Pebworth's descendants, her family? A Yes sir.

Q Do you know of your own knowledge whether she ever owned any land in Mississippi or Alabama? A No sir; only hear-say.

Q Did you ever hear of any deeds or patents which this family owned in Mississippi or Alabama? A No sir.

Q Did you ever hear of the existence of any such? A I have heard some talk of it.

Q What talk did you hear? A That they had it and lived on land.

Q I asked you about deeds or patents? A I heard that.

Q What was it? A I think it was a patent.

Q Did you hear that they got it from the United States Government? A I suppose so.

Q I don't want you to suppose-- A I don't know that I heard them say.

Q You have no personal knowledge of their owning any land in Mississippi or that they got that land from the United States Government under patent? A No sir; I haven't; 'cause I never lived in that country.

Q You have no personal knowledge of these matters as facts? A No sir.

--

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above March 7, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 2 day of April, 1903.

*Charles H. Sawyer*

Notary Public.

COPY.

Muskogee, Indian Territory, October 27, 1903.

Rosie Draper,

Care of Jas. Draper,

Gum Springs, Arkansas.

Dear Madam:

You are hereby notified that on October 27, 1903, the Commission to the Five Civilized Tribes rendered a decision identifying Rosie Draper, Maggie Draper and Charlie Draper as Mississippi Choctaws.

You are advised that a copy of the decision above referred to has this day been forwarded to Messrs. Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, and they have been allowed fifteen days from the date hereof within which to file such protest as they may desire to the action of the Commission in identifying the above named persons as Mississippi Choctaws. If any such protest is filed by the attorneys for the Nations you will be notified thereof, but in the event no objection is entered by the Nations to the action of the Commission, its decision of October 27, 1903, will become final.

In this connection your attention is invited to the following provision of the act of Congress approved July 1,

R.D.--2.

1902 (32 Stats., 641):

"All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said Commission, make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such Commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such Commission as Mississippi Choctaws entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior."

Under the above provision of law the persons identified in the decision of October 27, 1903, above referred to, in order to avail themselves of such identification, must remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, on or before April 27, 1904, and must make proof of such removal and settlement on or before October 27, 1904, at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered.



M.C.R. 6868.

Muskogee, Indian Territory, April 6, 1903.

Jas. Draper,

Gum Springs, Arkansas,

Dear Sir:

You are hereby notified that on the 6th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Rosie Draper, Maggie Draper and Charlie Draper as Mississippi Choctaw Indians, of which decision you were advised by registered mail on the 27th day of October, 1903.

Respectfully,

Commissioner in Charge.

M.C.R. 6868

Muskogee, Indian Territory, April 12, 1904.

James Draper,

Gum Springs, Arkansas,

Dear Sir:

You are hereby notified that on the 5th day of April, 1904, the Secretary of the Interior affirmed the decision of this Commission identifying Rosie Draper, Maggie Draper and Charlie Draper as Mississippi Choctaws, of which decision you were advised by registered mail on the 27th day of October, 1903.

You are further advised that the persons so identified have until April 27th, 1904, to remove to and make settlement in the Choctaw-Chickasaw country, Indian Territory, and six months from that date, or until October 27, 1904, in which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, Indian Territory.

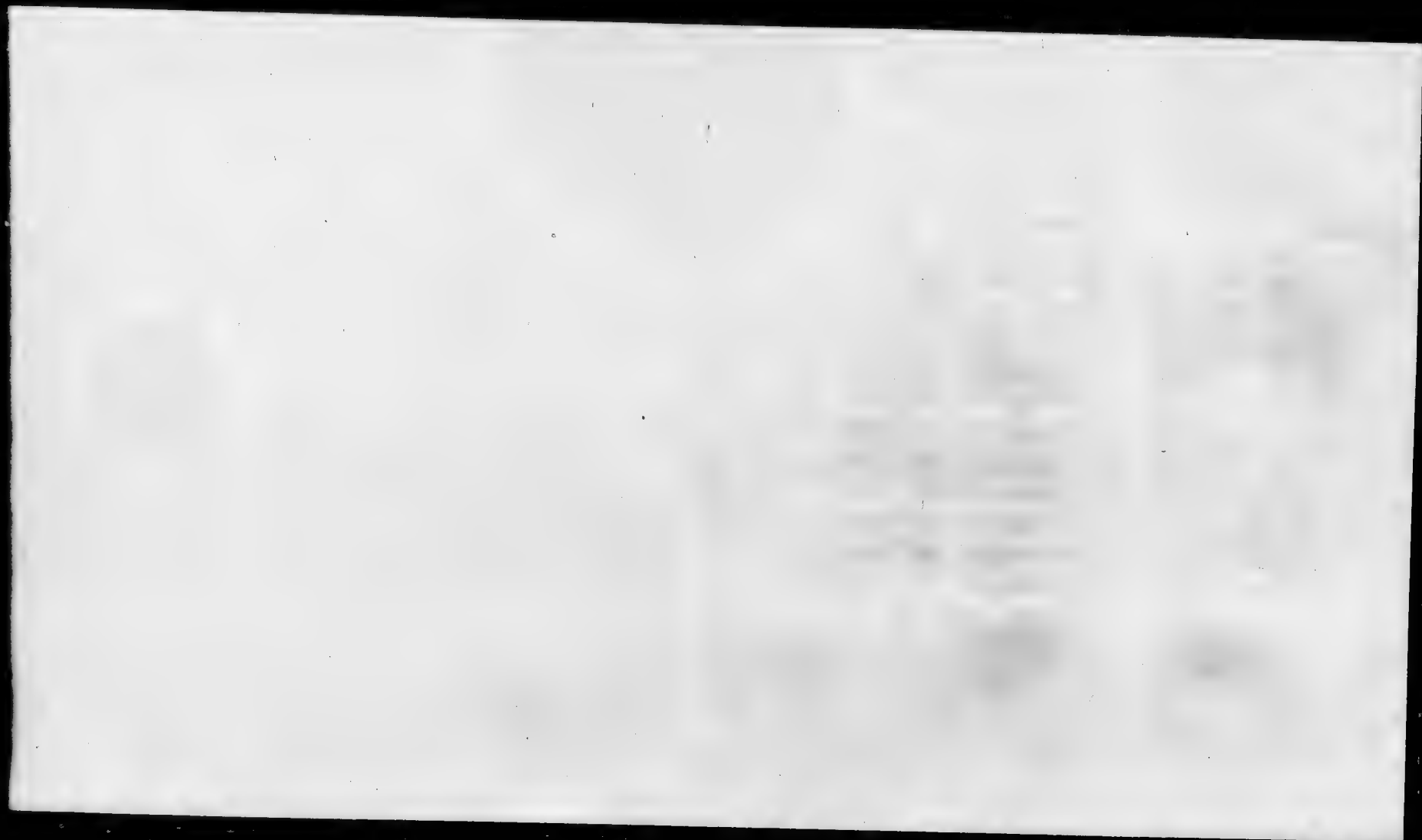
Respectfully,

(SIC)

J. L. [unclear]

Commissioner in Charge.

Registered.



6868

No.

6868

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 7 1903

Name

Rosie Draper

Age

22

Blood

1/8

Post Office,

Gum Springs Ark

Father:

Lon Harr L

Mother:

Nancy Harr L

Claims through

Mother as Draper  
applying husband for  
wife and

Children:

Maggie Draper 3

Charlie Draper 1

Stenographer

H. H. Harris

FOR IDENTIFICATION AS R. 688  
A MISSISSIPPI CHOCTAW.

*Rosie Draper et*

IDENTIFIED

DECISION RENDERED

OCT 27 1903

NOTICE OF DECISION FORWARDED  
APPLICANT

OCT 27 1903

NOTICE OF DECISION  
FORWARDED KEY  
FOR APPLICANTS.

COPY OF DECISION FORWARDED  
ATTORNEY AND  
CHICKASAW NATION.

DEPARTMENT.  
34

15  
SECRET  
OF THE SENIOR.  
A

APR 1904

APR 1904

REFER TO M. C. H.

Choctaw MCR 6869

John W. Lewis

MCR 6869

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 7, 1903.

6869

In the matter of the application of John W. Lewis for the identification of himself and his four minor children, James, Edward, Mary and Celia Lewis, as Mississippi Choctaws.

S.Hurd, attorney for applicant:

John W. Lewis being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John W. Lewis.  
Q How old are you? A I am forty years old.  
Q What is your post office address? A Dundee, Kentucky.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Is your father living? A No sir.  
Q What was his name? A Thomas Lewis.  
Q Is your mother living? A No sir.  
Q What was her name? A Mary Ann Lewis.  
Q Through which one of your parents do you claim your Choctaw blood? A Through my mother.  
Q What was your mother's name before she married? A Mary Ann Hanks.  
Q What was the name of her father? A William Hanks.  
Q Of her mother? A Louisa Hanks.  
Q Which one of her parents did Mary Ann Hanks get her Choctaw blood from? A From her father.  
Q Whom did William Hanks get his Choctaw blood from? A From his mother, Lydia Hanks. She was a daughter of John Harper.  
Q How much Choctaw blood was John Harper possessed of? A Full-blood.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is her name? A Annie Lewis.  
Q Does she make any claim to Choctaw blood? A No sir.  
Q Have you any children? A Yes sir.  
Q What are their names and ages? A James Lewis, sixteen.  
Q Next? A Edward Lewis, fourteen.  
Q Next? A Mary Lewis, seven. And Celia Lewis, three.  
Q Is that all your children? A Yes sir.  
Q These are the children of yourself and Annie Lewis? A Yes sir.  
Q When and where were you married to Annie Lewis? A That will tell you.

Applicant offers certified copy of marriage record between John W. Lewis and Annie M. Curtis, which is filed, marked Exhibit "A" and made a part of the records in this case.

Q Is your name or the name of any of your children to be found upon any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.

Q Did you or any one for you or for your minor children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.

Q Did you or did anyone for you or for your minor children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress of June 10, 1896? A No sir.

Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Do you appear before the Commission at this time to make application for the identification of yourself and your minor children claiming rights in the Choctaw lands under article fourteen concluded between the United States and the Choctaw Indians September 27, 1830? A Yes sir.

This treaty was entered into between the United States Government and the Choctaw tribe of Indians on the 27th day of September 1830 at a place called Dancing Rabbit Creek in Mississippi. At that time the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line of that State. The object of that treaty was to secure the removal of the Choctaws from the country they then occupied to the new country West of the Mississippi River. At the time the treaty was made a great many Choctaws didn't want to come to this new country but preferred to remain in the old Choctaw nation and for the benefit of that class of Choctaws article fourteen was made a part of the treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The fourteenth article required that in case a Choctaw elected to remain in the old Choctaw nation, he should within six months after the ratification of the treaty by Congress-- which was done on the 24th day of February, 1831--go before the Government agent there in the old Choctaw nation and signify to him, that is let him know in some way, that he wanted to remain and take lands under the provisions of this article; after having done that he was, as



the head of a family entitled to a reservation of one section or 640 acres of land and for each child in his family unmarried and over ten he was entitled to half a section or 320 acres of land and for each child in his family under ten years of age he was entitled to a quarter section or 160 acres; the reservations of the children to adjoin the reservation of the parent and to include the improvements ~~used~~ by the head of the family. This article required that Choctaw Indians should live upon that land for five years after which time a patent or title in fee simple would be given to them which would enable them to dispose of the land as they pleased. The last clause of that article is as follows:--~~"Each Choctaw~~ Persons who claim under this article shall not lose the privilege of a Choctaw Indian but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Choctaws who remained there and complied with the provisions of this article by remaining there and taking their land did not forfeit their rights as Choctaw citizens but did lose their right to share in any annuity payments--at that time Choctaws were entitled to money payments or annuities. That is the fourteenth article; that is the article under which you make this claim for yourself and minor children, is it? A yes sir.

Q What was the name of your ancestor who lived in that old Choctaw Nation in 1830 and who was a recognized citizen of the Choctaw Nation at that time? A John Harper.

Q Was he a recognized citizen of the Choctaw Nation in 1830? A I don't know.

Q Did he live in the old Choctaw Nation in 1830? A I can't tell you.

Q Did he within six months from the 21st of February 1831, the day this treaty was ratified, go to the Government agent and tell him that he wanted to stay in Mississippi and take land there?

A I can't tell you.

Q Do you know if he ever owned any improvements upon what constituted the old Choctaw Nation in Mississippi or Alabama at the time this treaty was made? A No sir.

Q Did John Harper remain in the old Choctaw Nation and refuse to remove to the Choctaw Nation, Indian Territory? A I don't know.

Q Do you know whether he removed to the Indian Territory between 1833 to 1838 when the main portion of the Choctaws removed to this country which they took from the United States in exchange for the old Choctaw Nation? A I don't know.

Q Do you know whether John Harper received any benefits from the Government under article fourteen of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen Congress directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of all those Choctaws who wanted to remain there and take lands under its provisions; the records of the Government show that this agent failed to register the names of a number of Choctaws who stated that they wanted to stay and take their lands and these were lands on which Choctaws owned improvements and which they wanted reserved for them, these were taken and sold by the Government at Public Land Sale. The Choctaw were disappointed of their land because of his failure to register them; This caused many complaints and these complaints finally reached Congress and Congress under acts passed March 4, 1837 and August 21,

1842 authorized Commissions to go into the old Choctaw nation and investigate these claims; a large number of claims were investigated and if it was found that a Choctaw established his right to those lands under article fourteen and the lands had not been sold by the Government he was given the lands; if however it was found that the lands had been sold the act of Congress approved August 23, 1842, authorized scrip to be issued in lieu of the land that had been sold.

Q Did John Harper, this Choctaw ancestor of yours, appear before either of these Commissions and attempt to establish a claim to land under article fourteen? A I don't know sir.

Q Was John Harper married and the head of a family in 1830? A I don't know whether he was or not.

Q How old was your mother when she died? A Fifty four years old I believe.

Q How long has she been dead? A About seven years.

Q Did you know your grandfather, William Hanks? A Yes, I can remember him.

Q Did you know your grandmother? A Yes sir.

Q What was her name? A Louisa.

Q Do you know when and where William Hanks and his wife were married? A They say in Montgomery County.

Q Kentucky? A Yes sir.

Q Do you know what year they were married? A No sir.

Q Do you know when Fielding and Lydia Hanks were married? A No sir.

Q Do you know where they lived in 1830? A No sir.

Q You have no knowledge then of the residence of any of your Choctaw ancestors in the old Choctaw nation in Mississippi or Alabama in 1830 when this treaty was made? A No sir.

Q Do you know whether any of your Choctaw ancestors from John Harper down ever received any benefits under article fourteen of the treaty of 1830? A No sir, not as I know of.

Q Do you know of the existence of any deeds or patents for lands under article fourteen from the Government? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q Anything further you want to say in support of your claim? A No sir.

The applicant has brown hair, grayish brown eyes, medium fair complexion, suntanned, light mustache and the general appearance of a person descended from white parentage; has no knowledge of any act of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Q Any of your relatives been before the Commission? A Yes sir.

Q Do you want your case considered with any? Name some of your relatives who have been before the Commission. Christopher C. Hanks.

Q Do you want the evidence in his case considered as evidence in your case and your case consolidated with his? A Yes sir.

Reference is made to the case of Christopher C. Hanks, et al., M.C.R. 6509, for the purpose of consolidation.

Henry G. Hains being sworn on his oath stated as stenographer

to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on March 7, 1903, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry B. Hains*

Subscribed and sworn to before me this 30 day of March, 1903.

*Charles H. Sawyer*

Notary Public.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 6869.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 6, 1903.

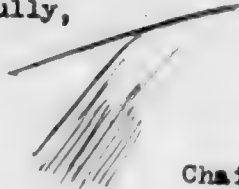
John W. Lewis,

Dundee, Kentucky,

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,



Chairman.

M.C.F. 6868.

Muskogee, Indian Territory, November 6, 1903.

S. Heard,

Attorney at Law,

Tishomingo, Indian Territory,

Dear Sir:

You are hereby advised that the Commission has this day notified John W. Lewis that he will be allowed thirty days from this date in which to submit further evidence in support of the application of himself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

MCR.6869.

Muskogee, Indian Territory, March 21, 1904.

John W. Lewis,

Dundee, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your four minor children, James, Edward, Mary and Celia Lewis, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorney of record, S. Heard, Esq., Tishomingo, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R.6869

Muskogee, Indian Territory, April 12, 1904.

C. L. Armond, P. M.,  
Dundee, Kentucky.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 6, 1904, in which you state that you are holding a registered letter addressed to John W. Lewis, Dundee, Kentucky, and state that you are unable to deliver the above letter, as there is no one by that name getting mail at your office, and that you believe the addressee resides at Slade, Kentucky.

In reply to your letter you are kindly requested to forward said letter to Slade, Powell County, Kentucky.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM. O. BEALL,  
Secretary.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 6869.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 26, 1905.

John W. Lewis,  
Dundee, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,



Chairman.



6869

No. 6869

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 7 1903

John W. Lewis

Age 40 Blood  $\frac{1}{8}$ 

Post Office, Dundee Ky

Father: Thomas Lewis W

Mother: Mary Ann Lewis W

Claims through Mother

Annie Lewis L

## Children:

|        |       |    |
|--------|-------|----|
| James  | Lewis | 16 |
| Edward | "     | 14 |
| Mary   | "     | 7  |
| Belva  | "     | 3  |

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

8. 6869

*John M. Lewis et al*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION  
ATTORNEYS FOR CHICKASAW  
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

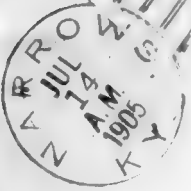
MAR 14 1904

RECORD FORWARDED DEPARTMENT.

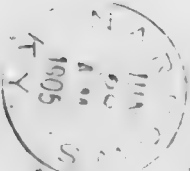
JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

REFER TO M. C. R.

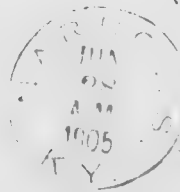


*July 18*  
Commissioner





*July 14*  
*1905*



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



John W. Lewis,

Dundee, Kentucky.

*Returned to writer*

*Unclaimed*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

DEC 3 1903



CHAIRMAN.

DATE  
JUN 26

TRANSIST  
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NOV 10 1903

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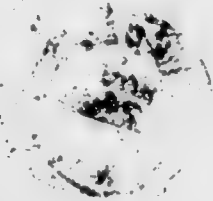
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEC 3 1903

FILED



Official



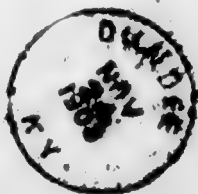
General Office

M. C. R.

Advised that thirty days from date will be allowed in which to submit further evidence in support of application for identification as Mississippi Choctaws.

John W. Lewis,

Mundee, Kentucky.



Penalty for private use, \$300.

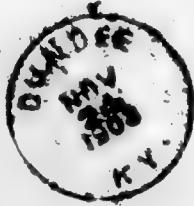
Department of the Interior  
Bureau of Indian Affairs  
Washington, D. C.



General Office

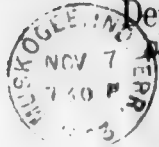
M. C. R.

Advised that thirty days from date will be allowed in which to submit further evidence in support of application for identification as Mississippi Choctaws.



John W. Lewis,

Dundee, Kentucky.



Department of the Interior.

Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TERR.

OFFICIAL BUSINESS

Penalty for private use, \$300.

Choctaw MCR 6870

Grover C. Drake

MCR 6870

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 9, 1903.

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In the matter of the application of Christopher C. Hanks for the identification of Grover C. Drake and Cud S. Drake as Mississippi Choctaws.

S. Heard attorney.

Christopher C. Hanks being first duly sworn testified as follows

Examination by the Commission:

- Q What is your name? A Christopher C. Hanks.  
Q How old are you? A Fifty-seven years old.  
Q What is your post office address? A Campton, Kentucky.  
Q Are you an applicant before this commission for identification as a Mississippi Choctaw? A Yes, sir, I have already filed my application.  
Q What is your purpose in appearing at this time? A In order to file application as guardian for two children.  
Q What is the name of those children? A Grover C. Drake and Cud S. Drake.  
Q How old is Grover? A Nineteen years old.  
Q How old is the other? A Seventeen.  
Q What is their post office address? A Patsey, Kentucky.  
Q Is the father of these children living? A No, sir.  
Q What was his name? A George W. Drake.  
Q How old would George W. Drake be if living now? A He would be forty years old.  
Q Is the mother of these children living? A Yes, sir.  
Q How old is she? A She is thirty-eight.  
Q What is her name? A Jane Drake.  
Q Through which one of them do these children derive their Choctaw blood? A From their father.  
Q Why is it Jane the mother of these children doesn't appear and make application for these children? A They had me appointed guardian and she don't have me make claim for herself.  
Q Have you been appointed legal guardian? A Yes, sir.  
Q Have you a certified copy of the record? A Yes, sir.

Applicant offers certificate of W. S. Tutt, C. W. C. C. Wolf County, State of Kentucky, dated March 2, 1903 to the effect that C. C. Hanks was on March 2, 1903 duly appointed the guardian of Grover C. Drake and Cud S. Drake by the Wolfe County Court State of Kentucky. Same is received, filed, marked exhibit "A" and made a part of the record in this case.

- Q How much Choctaw blood do you claim for these children? A One-sixteenth.  
Q Were George W. Drake and Jane Drake legally married? A Yes, sir.

- Q When were they married? A Wolf County.  
 Q Do you know what year and the day of the month? A I think a copy of their marriage license is filed here in the case of Alex S. Drake.

Reference is made to the case of Alexander S. Drake M.C.R. 6648.

In the event this marriage record has not been filed you will be notified and it will be required by the Commission.

- Q When did George W. Drake die? In March 1900.  
 Q Have you the custody of these children? A No, sir they are living with their mother.  
 Q You are now applying as their guardian? A Yes, sir.  
 Q Is the name of George W. Drake or either of these two children to be found upon the tribal rolls of the Choctaw Nation? A No, sir.  
 Q Has any application ever been made by George W. Drake or any one for him and his minor children to be enrolled as members of the Choctaw tribe? A No, sir.  
 Q Did George W. Drake for himself or any one for him make application to the Commission to the Five Civilized Tribes under the act of Congress approved June 10, 1896 for citizenship in the Choctaw Nation? A No, sir.  
 Q Was George W. Drake or these two minor children ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court for Indian Territory? A No, sir.  
 Q Has any application ever been made prior to this time by George W. Drake or for his minor children to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No, sir.  
 Q Is it your purpose in appearing at this time to make application for these two children to be identified as Mississippi Choctaws under the provision of the 14th article of the treaty concluded between the United States government and the Choctaw tribe of Indians concluded September 27, 1830. Is it? A Yes, sir.

The treaty of 1830 was concluded between the United States government and the Choctaw tribe of Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. At that time the Choctaw tribe of Indians occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country west of the Mississippi River which is not the Choctaw Nation Indian Territory. At the time the treaty was made a good many of the Choctaws objected to removing to this country and for the benefit of that class of Indians article 14 was made and put into the treaty.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from

the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ~~the~~ ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The 14th article required that in case a Choctaw elected to remain in the old Choctaw Nation and take land he should within six months after the treaty was ratified go before the United States Agent there in the old Choctaw Nation and signify to him, let him know in some way that he wanted to take land under article 14, and after having done that he was entitled to one section of 640 acres of land, and for each child unmarried and over ~~the~~ ten years of age he was entitled to one-half that quantity or 320 acres and for each child in his family under ten years of age he was entitled to one-quarter section, or 160 acres of land; the reservations of the children to adjoin the reservation of the parent and to include any improvement owned by the head of the family. This article ~~xx~~ also required that if a Choctaw received the same he should reside upon same for five years and after which a title in fee simple was issued by the government. The last clause of article 14 is as follows: "Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means Choctaws who complied by staying and taking land should not forfeit the right of citizens in the Choctaw Nation Indian Territory, provided he ever removed but that he would forfeit any right to participate in the annuity moneys. Annuities were yearly payments made by the government to the Choctaw Indians.

- Q How that is article 14 under which you make this claim for these children is it? A Yes, sir.
- Q What is the name of the Choctaw ancestor of these children who lived in Mississippi in 1830? A John Harper and wife.
- Q What was John Harper's wife's name? A Polly Ann Harper, sometimes called Mary and sometimes Polly.
- Q How much Choctaw blood was John Harper possessed of? A Full blood.
- Q How much was Polly or Mary? A Full bl od.
- Q Both full blood? A Yes, sir.
- Q These children derive their Choctaw blood from their father George W. Drake? A yes, sir.
- Q What was the name of George W. Drake's father? A Alexander.
- Q What was the name of his mother? A Lydia.
- Q Which one was a Choctaw? A His mother Lydia Drake.
- Q Now what was the name of Lydia Drake's father? A Henry Evans.

- Q And what was the name of her mother? A Lucinda Evans.
- Q Now which one of those parents was the Choctaw? A Lucinda Evans.
- Q Who was Lucinda's father? A Fielding Hanks.
- Q What was the name of Lucinda Evans' mother? A Lydia Hanks.
- Q Which one was the Choctaw? A Lydia.
- Q Now give the name of the parents of Lydia Hanks? A John Harper and his wife. Polly.
- Q Now tell me if you can the name of the ancestor of these children who were married and head of a family in 1830? A Well John Harper.
- Q These children are five generations removed from John Harper? A Yes, sir.
- Q Do you know when Alexander and Lydia were married? Along in the fifties some where.
- Q Do you know how old Lydia Drake was when she died? A No, sir.
- Q Do you know how old she would be if living now? A No, sir.
- Q Do you know when Henry Evans and Lucinda Evans were married? A No, sir.
- Q Do you know how old Lucinda would be if living at this time? A About one hundred.
- Q Do you think Lucinda and Henry were married in 1830? A I don't know about that.
- Q Do you know when Fielding Hanks and Lydia Hanks were married? A No, sir.
- Q How old would Lydia be if living now? A Over one hundred.
- Q Then you don't know anything about the marriage of any of the ancestors of these two minor children which one of their ancestors was married and living in 1830? A No, sir.
- Q Where did Alexander and Lydia live all their life? A In Kentucky.
- Q Where did Henry Evans and Lucinda Evans live all their life? A In Kentucky, after Henry died Lucinda went to Texas few years.
- Q Do you know whether Fielding and Lydia ever lived in the state of Mississippi? A No, sir, I don't know.
- Q Do you know whether John Harper and his wife Polly lived in Mississippi? A I understand they did.
- Q You can give no positive evidence on that point? A No, sir.
- Q Do you know whether any of these Choctaw ancestors were ever recognized as members of the Choctaw tribe of Indians at the time of the making of this treaty in 1830? A No, sir I don't know.
- Q Do you know whether any of the Choctaw ancestors that you have named went within six months after the ratification of this treaty before the government agent in the original Choctaw Nation and tell him they wanted to stay there and take land? A I understand John Harper did.
- Q Do you know whether any of the less remote ancestors did or not? A No, sir.
- Q Did any of the Choctaw ancestors of these children own any improvement in Mississippi or Alabama at the time of the making of this treaty? A No, sir.
- Q Did any of the Choctaw ancestors of these children remove from the old Choctaw Nation between the years 1833 and 1838 at the time of the removal of the other Indians to the Choctaw Nation Indian Territory? A I don't know.



- Q Do you know whether any of the Choctaw ancestors of these two minor children ever claimed or received any benefits under article 14 of the treaty of 1830? A No, sir.

In accordance with the provisions of the 14th article the government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of all the Choctaws who wanted to remain and take land there under the provision of that article. The records of the government show that this agent failed to register the names of a good many Indians and on this account lands which they owned was sold by the government at its public land sales and the Choctaws were disposed of their lands. This caused a great many complaints on the part of the Choctaws and congress by an act approved March 3, 1837 and another approved August 23, 1842 authorized commissions to go in to the old Choctaw Nation and investigate these claims. These commissions investigated a great many of these claims and where it was found that a Choctaw established his claim he was given the lands if they had not been sold, if however it was found that the lands were sold, under the provision of the act of Congress approved August 23, 1842, scrip was issued in such cases. This scrip was given by the government and under this scrip the holder could locate on land in Mississippi, Alabama, Arkansas or Louisiana.

- Q Do you know whether any of the Choctaw ancestors of these two minor children appeared before either of these commissions and established their claims? A No, sir.
- Q Did any of them receive any scrip from the United States government? A No, sir.
- Q So far as you know the ancestors of these children never received any benefits under article 14? A No, sir.
- Q Have you ever seen or ever heard of the existence of a patent to lands issued to any of the Choctaw ancestors of these children issued under article 14? A No, sir.
- Q Have you any witnesses you want to introduce in support of this application? A No, sir.
- Q Have you any documentary evidence you want to introduce? A No, sir.
- Q Do either of these children speak or understand the Choctaw language? A No, sir.
- Q What is the color of Grover C. Drake's hair? A His hair is brown.
- Q What is the color of his eyes? A Gray.
- Q What is his complexion? A Light complected.
- Q What color of hair has Cud S. Drake? A Light headed.
- Q Eyes? A Gray I think.
- Q Complexion? A Light.

C. C. Hanks, guardian of these two minor children testifies that he knows of no act of compliance on the part of the Choctaw ancestors of his two minor wards with any of the provisions of article 14 of the treaty of 1830.

6870-6

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Ind. Ter. March 9, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this ~~30~~ day of March 1903.

*Charles H. Sawyer*

Notary Public.



Muskogee, Indian Territory, November 6, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified C. C. Hanks that he will be allowed thirty days from this date in which to submit further evidence in support of the application of Grover C. Drake, et al., for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6870

Muskogee, Indian Territory, November 6, 1903.

C. C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Grover C. and Cud S. Drake, for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

MCR.6870

Muskogee, Indian Territory, March 21, 1904.

Grover C. Drake,

Batsy, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your brother Cud S. Drake, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorney of record, S. Heard, Esq., of Tishomingo, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R.6670.

Muskogee, Indian Territory, June 30th, 1905.

Grover C. Drake,  
Bataey, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6870

No. 6870

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MARCH 1900  
by C C Hawks for  
Name <sup>2 minor Cherokee names</sup>  
Claw  
Age Blood 1/16

Post Office, Patsy, Ky

Father: Geo W Drake &

Mother: Jane Drake ✓

Claims through father

~~Children~~  
Grove C. Drake 19  
Bud T. " 17

Steno-grapher L. T. Appender

FOR IDENTIFICATION AS B. 68  
A MISSISSIPPI CHOCTAW.

*Glover, C. Drake et al*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 18 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF DEPARTMENT.

MAY 1905

NOTICE OF DEPARTMENT  
MAILED APPLICANT.

JUN 1905

NOTICE OF  
FORWARDED AT

NOTICE OF DEPARTMENT

REFER TO M. C. R.

Choctaw MCR 6871

Emma Cox

MCR 6871

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory.  
March 9, 1903.

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In the matter of the application of Christopher C. Hanks for the identification of Jackson Cox and Emma Cox as Mississippi Choctaws.

S. Heard attorney.

Christopher C. Hanks being first duly sworn testified as follows

Examination by the Commission:

- Q What is your name? A Christopher C. Hanks.  
Q What is your age? A Fifty-seven.  
Q What is your post office address? A Campton, Kentucky.  
Q Are you an applicant to this Commission for identification as a Mississippi Choctaw? A Yes, sir.  
Q What is your purpose in appearing at this time? A I apply as guardian for two children of Jackson Cox, Emma Cox and Jackson Cox, Jr.  
Q How old is Emma Cox? A Seventeen.  
Q How old is Jackson Cox, Jr., A Fifteen.  
Q How much Choctaw blood are these children possessed of? A One-eighth.  
Q What is their post office address? A Toliver, Kentucky.  
Q Is their father living? A No, sir dead.  
Q What was his name? A Jackson Cox.  
Q How old would he be if living now? A He would be sixty-four.  
Q Is their mother living? A Yes, sir.  
Q What is her name? A Rebecca Cox.  
Q How old is she? A Fifty-three.  
Q From which parent does your minor wards derive their Choctaw blood  
A Their father.  
Q Were Jackson and Rebecca Cox legally married? A Yes, sir.  
Q When were they married? A Wolfe County Kentucky in 1870, I think.  
Q Have you evidence of that marriage with you? A No, sir.

The Commission will require evidence to be filed in support of the application you are making for your two minor wards.

Applicant now offers certificate of J. S. Tubb, clerk of Wolfe County, dated March 2, 1903 to the effect that C. C. Hanks was on March 2, 1903 appointed guardian of Emma Cox and Jackson Cox, minor children of Jackson Cox. Received Marked exhibit "A" for identification and filed with the record in this case.

- Q Is the mother of these children Rebecca Cox, a white woman? A Yes, sir.



- Q Makes no claim of Indian blood? A No, sir.
- Q When did Jackson Cox die? A In '86.
- Q Where? A Wolfe county, Kentucky.
- Q Did he ever live in the state of Alabama or Mississippi? A No, sir.
- Q Is the names of these two minor childred to be found on the tribal roll of the Choctaw Nation Indian Territory? A No, sir.
- Q Was any application ever made to the Choctaw tribal authorities for their enrollment as members of that tribe? A No, sir.
- Q Did they or any one for them in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Was any application ever made for them to be admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, Commission to the five Civilized Tribes, or the United States Court in Indian Territory? A No, sir.
- Q Has any application ever been made by you either to the Choctaw tribal authorities or the authorities of the United States for their admission to citizenship in the Choctaw Nation? A No, sir.
- Q Do you appear before the Commission to ~~make~~ make application for these children as Mississippi Choctaws under the provisions of the 14th article of the treaty concluded between the Choctaw tribe of Indians and the United States government? A Yes, sir.

The treaty of 1830 was concluded between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September of that year. The Choctaws at that time occupied a portion of a state of Mississippi and a small portion of the state of Alabama along the western boundary line of that state. The object of the treaty was to secure the removal of all Choctaws from the country they then occupied to the new Nation, Choctaw Nation Indian Territory. It became known that a great many Choctaws would not go to the new country but wanted to remain in the old Choctaw Nation and for their benefit article 14 was put into that treaty.

Article 14 is as follows:

"Each choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article 14 of the Choctaw treaty of 1830 and its provisions required that in case a Choctaw elected to remain in the old Choctaw Nation and take land under its provisions he should within six months after the ratification by Congress, go before the government agent there in the old Choctaw Nation and signify his intentions that he intended to remain there, take lands. After having done that he was entitled as head of a family to a reservation of 640 acres of land and for each child in his family over ten years of age and unmarried he was entitled to one-half that quantity, or 320 acres, and for each child under ten years of age he was entitled to one-quarter section or 160 acres of land. The reservations of the children to adjoin the reservation of the parent and to include any improvement of the head of the family. This article also required that he should live upon said land for five years after which time a patent was given him. The last clause of that article is as follows: "Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means those persons who claimed under article 14 if they ever removed from the Choctaw Nation he would still have a claim in the Choctaw Nation but would not have any claim to the Choctaw annuity.

- Q That is article the article under which you make claim for these two children? A Yes, sir.
- Q What is the name of the Choctaw ancestor of these two children who resided in the old Choctaw Nation in 1830 at the time this treaty was made? A I don't know.
- Q Do you know the name of the Choctaw ancestor of these children who was a recognized member of the Choctaw tribe of Indians on the 27th of September 1830? A I am under stand John Harper and his wife.
- Q Did John Harper live in Mississippi or Alabama in 1830 and was he the head of a family at that time? A He was living then.
- Q Was he living then? A Yes, sir.
- Q Do you know when John Harper died? A No, sir, some where between '30 and '35.
- Q Where? A In Kentucky.
- Q Do you know what part of Kentucky? A Montgomery County.
- Q Near what town? A Near Mount Sterling.
- Q Did John Harper live in Mississippi in 1830, did he? A I don't know that he did.
- Q What amount of Choctaw blood was John Harper possessed of? A Full blood Choctaw.
- Q Was John Harper's wife possessed of any Choctaw blood? A Yes, sir full blood.
- Q What was her name? A Mary Ann or Polly Ann, sometimes called one and sometimes the other.
- Q Do you know anything about the ancestors of Polly, know the names of her ancestors father and mother? A No, sir.
- Q You testified that these two minor children derived their Choctaw blood from their father Jackson Cox? A Yes, sir.
- Q Who was Jasper Cox's father? A James.
- Q What was the name of his mother? A Annie.
- Q Which one was Choctaw? A His mother.
- Q What was the name of Annie's father? A Fielding Hanks.
- Q What was the name of her mother? A Lydia Hanks.

- Q Which one was Choctaw? A Lydia.
- Q What was the name of Lydia Hank's father? A John Harper.
- Q What was the name of Lydia Hank's mother? A Mary Ann or Polly Ann.
- Q Which was Choctaw? A Both.
- Q How much Choctaw blood did they possess? A Full blood.
- Q Then John Harper and Mary Ann Harper are the Choctaw ancestors through whom you claim the right to identify as Mississippi Choctaws these children? A Yes, sir.
- Q Now can you tell me the name of the Choctaw ancestor of these two children who was living and head of a family in 1830? A No, sir.
- Q Can you give the names of the ancestors of these minor children who were recognized members of the Choctaw tribe of Indians in 1830 and lived in Mississippi or Alabama at the time this treaty was made? A No, sir.
- Q Can you give the name of the Choctaw ancestor of these children who went before the government agent in Mississippi within six months after February 24, 1831 and told him they wanted to stay there and take land? A I understand John Harper went.
- Q Then John Harper must have been living there then, was he? A I understand he went from Kentucky.
- Q What kind of evidence have you of that kind, Mr. Hanks? A We have some proof that he went there from Kentucky.
- Q Did John Harper or his wife have an Indian name? A I don't know.
- Q Do you know of any other name except John Harper and Polly Ann or Mary Ann Harper? A No, sir.
- Q Did any of the Choctaw ancestors from John Harper and his wife down own any improvements in the old Choctaw Nation in 1830? A No, sir.
- Q Do you know of any Choctaw ancestor in this line of descent from John Harper ever received any benefits from the United States government under article 14? A No, sir.
- Q Do you know whether any of the ancestors of these children removed from the old Choctaw Nation in Mississippi or Alabama between the years 1833 and 1838 to the Choctaw Nation Indian Territory at the time of the removal of the Indians to the Choctaw Nation Indian Territory? A No, sir.
- Q So far as you know none of the Choctaw ancestors of these children ever received any benefits under article 14 of the treaty of 1830? A No, sir.

In accordance with the provision of the 14th article the government directed an agent in Mississippi and Alabama to register the names of all those Choctaws who wanted to remain there take land and become citizens of the states; the records of the government show that he neglected to do this and on this account lands on which Choctaws had improvements and which they desired reserved for them was sold by the government at its public land sales. This caused a great many complaints and these complaints finally reached Congress and Congress by acts passed in 1837 and 1842 authorized commissions to go into the old Choctaw Nation and investigate these claims. These commissions investigated a great many of these claims some were allowed and some rejected. In case their claim was allowed if it was found that the lands had not been sold they were given these lands and if they had been

sold the act of Congress approved August 23, 1842 authorized the issuance of scrip, and under this scrip the holder could locate on land in Mississippi, Alabama, Arkansas or Louisiana.

- Q Do you know whether any of the ancestors from John Harper down have ever received any of this scrip? A No, sir.
- Q Do you know whether any of them ever appeared before either of these commissions? A No, sir.
- Q So far as you know none of these ancestors ever received any benefits under article 14 of the treaty of 1830? A No, sir.
- Q Have you any evidence of any patent or deed issued to any of these ancestors? A No, sir.
- Q Have you any witnesses you want to introduce? A No, sir.
- Q Anything further you want to state? A No, sir.
- Q Do either of these children speak the Choctaw language? A No, sir.
- Q Did their father Jackson Cox speak or understand the Choctaw language? A No, sir.
- Q What is the color of Emma Cox's hair? A Dark brown.
- Q Eyes? A Brown.
- Q Complexion? A Her complexion is light.
- Q What is the color of the hair of Jackson Cox, Jr.? A Brown hair.
- Q Eyes? A Black.
- Q Complexion? A Dark.

C. C. Hanks guardian of these minor children, and who makes application for them testifies that he has no knowledge of a compliance on the part of any of their ancestors with the provisions of article 14 of the treaty of 1830.

- Q What relation are you to these children? A Second cousins.
- Q Do you desire the case of these children included with the cases of the other descendants of John Harper? A Yes, sir.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, on March 9, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

subscribed and sworn to before me this 9th day of March 1903.

*Chas. Diffendaffer*  
*Charles H. Sawyer*  
 Notary Public.

M C R 6871

Muskogee, Indian Territory, November 6, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified C. C. Hanks that he will be allowed thirty days from this date in which to submit further evidence in support of the application of Emma Cox, et al., for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6871

Muskogee, Indian Territory, November 6, 1903.

C. C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Emma Cox and Jackson Cox, Jr., for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 21, 1904.

Emma Cox,

Telliver, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your minor brother, Jackson Cox, Jr., was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorneys of record, S. Heard, Esq., Tishomingo, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorneys of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.



M.C.R.6871.

Muskogee, Indian Territory, June 26, 1905.

Emma Cox,

Toliver, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.



6871

No.

6871

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MARCH 1902

Name

C C Hands & Co for  
Minors names ages below

Age

Blood

1/8

Post Office

Soliver Ky

Father:

Jackson Cox

D

Mother:

Rebecca

"

✓

Claims through

Father

Children:

Emma Cox

17

Jackson

" Jr

15

Monograph

621 Fifth St. Wash

FOR IDENTIFICATION AS 6871  
A MISSISSIPPI CHOCTAW.

*Emma Cox et al*

DECISION RENDERED

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
WICKASAW NATION.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 1 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL

NOTICE

NOTICE OF DEPARTMENTAL

Choctaw MCR 6872

Rutha Wills

MCR 6872

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 9, 1903.

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In the matter of the application of C. C. Hanks for the identification of his minor ward Rutha Wills as a Mississippi Choctaw.

C. C. Hanks being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A C. C. Hanks.  
Q What is your age? A Fifty-seven.  
Q What is your post office address? A Campton, Kentucky.  
Q Are you an applicant to this Commission for identification as a Mississippi Choctaw? A Yes, sir.  
Q What is your purpose in appearing at this time? A Guardian for Rutha Wills.

Certificate of W. S. Tutt, clerk Wolfe County Court, state of Kentucky, to the effect that C. C. Hanks was on March 2, 1903 appointed by said court guardian of Rutha Wills, minor child of Robert Wills, deceased; filed, marked exhibit "A" and made a part of the record in this case.

- Q How old is Rutha Wills? A Ten years old.  
Q How much Choctaw blood? A One-sixteenth.  
Q What is her post office address? A Maytown, Kentucky.  
Q Is her father living? A No, sir.  
Q What was his name? A Robert Wills.  
Q How old would he be if living now? A He would be thirty years old.  
Q Is her mother living? A Yes, sir.  
Q What is her name? A Her name is Sarah Wills.  
Q Through parent does she get her Choctaw blood? A Her father.  
Q How much Choctaw blood was her father possessed of? A One-eighth.  
Q When did he die? A Well I don't know exactly, been dead about four years I think. that would be in '98 or '9.  
Q Is her mother Sarah Wills a white woman? A Yes, sir.  
Q Makes no claim? A No, sir.  
Q When and where were Robert and Sarah married? A Morgan county Kentucky.  
Q What year? A I don't know.  
Q Have you evidence of that marriage with you? A No, sir.

It will be necessary for you to file marriage record of Robert and Sarah Wills, either the original or a certified copy of marriage record and certificate.

- Q Are the names of your minor ward or her father to be found upon the tribal rolls of the Choctaw Nation Indian Territory? A No, sir.

- Q Was any application ever made by Robert for himself or his minor child, or did he authorize you or any one, to be enrolled as citizens of the Choctaw tribe? A No, sir.
- Q Did he make application in 1836 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.
- Q Was Robert Wills or his minor child Rutha ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities The Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Was any application ever made to this commission, to the Choctaw tribal authorities, or United States authorities to be enrolled as members of the Choctaw tribe? A No, sir.
- Q Is it your intention to make application for Rutha under the provision of the 14th article of the treaty of 1830? A Yes, sir.

This treaty was concluded between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th of September 1830. At that time the Choctaws embraced a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country west of the Mississippi River. At the time of the making of this treaty a great many preferred to remain in the old Choctaw Nation and for the benefit of those people article 14 was put into the treaty.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article 14 and in case a Choctaw elected to remain in the old Choctaw Nation he should within six months after the ratification go before the government agent in the old Choctaw Nation and tell or let him know in some way he wanted to take land there. After having done that he was as the head of a family entitled to 640 acres and for each child over ten years of age and

unmarried he was entitled to 320 acres and for each child under ten years of age he was entitled to one-quarter section or 160 acres, the reservations of the children to adjoin the reservation of the parent and to include any improvement owned by the head of the family, or parent,. This article also required he should remain upon said land for five years after which time a patent was issued which would enable him to dispose of his land at his pleasure. The last clause is as follows: "Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that Choctaws who remained in the old Choctaw Nation and took land there should not forfeit the right of Choctaw citizens in the Indian Territory but if they ever removed they would forfeit any right to the Choctaw annuity payment.

- Q That is article 14 you base the claim of this child to that article do you? A Yes, sir.
- Q What is the name of the Choctaw ancestor who lived in the old Choctaw Nation September 27, 1830? A I don't know.
- Q Do you claim that your ward Rutha derived her Choctaw blood from her father Robert Wills? A Yes, sir.
- Q What was the name of Robert Will's father? A Jordan Wills.
- Q What was the name of his mother? A Judity Wills.
- Q Which one was Choctaw? A His mother.
- Q What was the name of her father? A James Cox.
- Q What was the name of her mother? A Annie Cox.
- Q Which one was Choctaw? A The mother Annie Cox.
- Q What was the name of Annie Cox's father? A Fielding Hanks.
- Q What was the name of her mother? A Lydia Hanks.
- Q Which one was Choctaw? A The mother Lydia Hanks.
- Q What was the name of Lydia Hank's father? A John Harper.
- Q And her mother? A Mary Ann or Pelly Ann Harper.
- Q Which was Choctaw? A Both.
- Q How much Choctaw blood were they possessed of? A Full blood.
- Q Now which one of Rutha Will's ancestors lived in the old Choctaw Nation in Mississippi and Alabama in 1830? A I don't know.
- Q Do you know which one of her ancestors was a recognized member of the Choctaw tribe of Indians at that time? A No, sir.
- Q Which one of her Choctaw ancestors went before the Indian Agent there within six months after the ratification of the treaty and notified him they wanted to take land? A I understand John Harper did.
- Q How do you know that? A From family history.
- Q Which one of her ancestors was married and head of a family in 1830? A I don't know, I understand John Harper and his wife was married of course.
- Q Where did Jordan Wills and his wife live all their lives? A Kentucky.
- Q Where did James and Annie Cox live? A Kentucky.
- Q Fielding Hanks and Lydia Hanks? A Lived ever since I know in Kentucky.
- Q Did they ever live in Mississippi or Alabama? A I don't know.
- Q Do you know whether John Harper and his wife ever lived in the old Choctaw Nation? A I understand they did.

- Q Have you any proof that they did live there? A Not at this time.
- Q Do you know whether any ancestor of this minor ward of yours owned any improvement in the old Choctaw Nation in 1830 at the time this treaty was made? A No, sir.
- Q Do you know whether any of her ancestors removed from the Choctaw Nation, in Mississippi or Alabama, to the Choctaw Nation Indian Territory between the years 1833 and 1838 at the time of the removal of the greater portion of the Choctaw Indians to the Choctaw Nation Indian Territory? A No, sir.
- Q Do you know whether any of her Choctaw ancestors ever received any land under article 14 of the treaty of 1830? A No, sir.

In accordance with article 14 the government directed an agent in the old Choctaw Nation to register the names of all those Choctaws who wanted to remain there and take land under its provisions; the government records show that he neglected to register a good many of these and as a result their land was sold by the government. This caused a great many complaints by these Choctaws and these complaints finally reached Congress and Congress in the years 1837 and 1842 appointed commissions to go to Mississippi and investigate these claims and where it was found that a Choctaw had established his claim and his land had not been sold the Choctaw was given his land, if however lands which they claimed had been sold by the government the act of August 23, 1842 authorized the issuance of scrip to those Indians and under this scrip they were entitled to land either in Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of the Choctaw ancestors of Rutha Wills appear before either of these two commissions and establish claim under article fourteen? A No, sir.
- Q Did any of the Choctaw ancestors of Rutha Wills ever receive any scrip from the United States government for lands? A No, sir.
- Q So far as you know no one of the Choctaw ancestors of Rutha Wills ever received any benefits under article 14 of the treaty of 1830? A No, sir.
- Q Have you ever heard of the existence of a deed or patent issued by the United States government to any Choctaw ancestor of your minor ward Rutha Wills to land under article 14? A No, sir.
- Q Have you any witnesses you want to introduce in support of this claim? A No, sir.
- Q Anything further you desire to state? A No, sir.
- Q Does Rutha Wills speak or understand the Choctaw language? A No, sir.
- Q What is the color of her hair? A Her hair is light brown.
- Q Her eyes? A Blue.
- Q Complexion? A Fair.
- Q What relation are you, if any, to Rutha Wills? A I think about my third cousin.
- Q Do you desire her application to be made a part of the consolidated case of the descendants of John Harper? A Yes, sir.

C. C. Wanks guardian of Rutha Wills who makes this application testifies that he has no knowledge of a compliance of any of her Choctaw ancestors with any of the provisions of the treaty of 1830.



6872-5

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five civilized Tribes, he reported the proceedings had in the above entitled cause, taken at Muskogee, Indian Territory, March 9, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 1st day of April 1903.

*Charles H. Sawyer*  
Notary Public.



M.C.R. 6872.  
" 6513.

Muskogee, Indian Territory, April 2, 1903.

Grant Spradling.

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, enclosing certificate of marriage between Robert Wills and Sarah J. Childress, offered in support of the application of Rutha Wills for identification as a Mississippi Choctaw; also certificate of marriage between Henderson Spencer and Liddie Lewis, offered in support of the application made by Lydia Spencer for the identification of herself and minor children as Mississippi Choctaws.

The same have been filed with the records in these respective cases.

Respectfully,

Commissioner in Charge.

M C R 6872

Muskogee, Indian Territory, November 6, 1903.

C. C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Rutha Wills for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6872

Muskogee, Indian Territory, March 18, 1904.

C. C. Hanks,  
Campton, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of Rutha Wills as a Mississippi Choctaw was made a part, refusing said application.

This decision is subject to your inspection, and the record will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be forwarded to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6872.

Muskogee, Indian Territory, June 26, 1905.

Rutha Wills,

Maytown, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905; the Secretary of the Interior approved the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on March 18th, 1904.

Respectfully,

Chairman .

6872

No.

6872

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 1907

Name

Rutha Wills

Age

10

Blood

1/16

Post Office

Maytown Ky

Father

Robert Wills

Mother

Sarah Wills

Claims through

father

Children:

Application

by C C Nantz

Guardian

Stenographer

G. J. Duffenduff

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Rutha Mills*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION  
ATTORNEYS FOR  
CHICKASAW NATL

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 18 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR

MAR 1 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

Choctaw MCR 6873

Buford Ingram

MCR 6873

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory.  
March 9, 1903.

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In the matter of the application of C. C. Hanks for the identification of his minor ward Buford Ingram as a Mississippi Choctaw.

C. C. Hanks being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A C. C. Hanks.  
Q What is your age? A Fifty-seven.  
Q What is your post office address? A Campton, Kentucky.  
Q Are you an applicant to this Commission for identification as a Mississippi Choctaw? A Yes, sir.  
Q For what do you appear at this time? A To make application for identification as Mississippi Choctaw as guardian of Buford Ingram, minor child of Lou Ellen Ingram, deceased.  
Q How old is Buford Ingram? A Thirteen years old.  
Q How much Choctaw blood does he possess? A One-sixteenth.  
Q What is his post office address? A Maytown, Kentucky.  
Q Is his father living? A Yes, sir.  
Q What is his name? A James Ingram.  
Q Is his mother living? A No, sir she is dead.  
Q What was her name? A Lou Ellen Ingram.  
Q How old is her father? A Her father is thirty-three years old.  
Q How old would her mother be if living now? A Thirty-two.  
Q Through which parent does he get his Choctaw blood? A His mother.

Applicant offers certificate of W. S. Tutt, clerk of Wolfe County court, state of Kentucky to the effect that on March 2, 1903 C. C. Hanks was appointed guardian of Buford Ingram, minor child of Lou Ellen Ingram, deceased. The same is filed marked exhibit "A" for identification and made a part of the record in this case.

- Q Were James Ingram and Lou Ellen Ingram legally married? A Yes, sir.  
Q Do you know when and where they were married? A I have the certificate of their marriage here? X

Certified copy of the marriage between Jas. F. Ingram and Lou Ellen Cox is offered in support of this application and the same is filed and marked exhibit "B".

- Q When did Lou Ellen Ingram die? A Been dead two years, died in 1901.  
Q Is the name of the mother of your minor ward on any of the tribal rolls of the Choctaw Nation Indian Territory? A No, sir.



- Q Did the mother of your minor ward or any one for your minor ward ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No, sir.
- Q Did any one for your minor ward or for her mother in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Did the mother of your minor ward or any one for the mother of your minor ward ever make application to the Choctaw tribal authorities or the authorities of the United States to be enrolled as citizens of the Choctaw Nation? A No, sir.
- Q Is it your purpose in appearing before the Commission to make application for the identification of your minor ward Ruford Ingram to be identified as a Mississippi Choctaw under the provision of the 14th article of the treaty concluded between the Choctaw Nation and the United States government September 27, 1830? A Yes, sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi September 27, 1830. It was between the United States government and the Choctaw tribe of Indians. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of Alabama along the ~~xx~~ western boundary line. The object of the treaty was to secure the removal of the Choctaws from the old Choctaw Nation to the new country west of the Mississippi River, which is now Choctaw Nation Indian Territory. At the time a great many Choctaws refused to remove to this new country and for the benefit of this class of Indians article 14 was made a part of the treaty, that article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who ~~claim~~ claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article 14 and its provisions required that in case a Choctaw elected to remain in the old Choctaw Nation he should within six months after the ratification by Congress, which was done February 24, 1831, appear before the government agent there in the old Choctaw Nation and signify that he wanted to remain and take land under its provision. After having done

that he was entitled as head of a family to one section of 640 acres of land and for each child in his family living with him and unmarried he was entitled to one-half section of 320 acres and for each child under ten years of age he was entitled to one-quarter section, or 160 acres, the reservations of the children to adjoin the reservations of the parents and to include any improvement owned by the head of the family. This article ~~was~~ also required that these Choctaws should reside upon said land for five years after which time a title in fee simple was issued.

The last clause is as follows: "Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that those Indians who stayed in the old nation did not forfeit their rights to citizenship in the Choctaw Nation Indian Territory, but if they ever removed were not to be entitled to any of the money payments made by the government to the Choctaw Indians.

- Q What is the name of the Choctaw ancestor of this child who lived in Mississippi ~~and~~ or Alabama September 27, 1830? A I don't know.
- Q Buford Ingram derives his Choctaw blood from his mother Lue Ella now state the name of his mother's father? A Fielding Cox.
- Q What was the name of his mother's mother? A Jane Cox.
- Q Which one was Choctaw? A Her father.
- Q Now what is Fielding Cox's father's name? A James Cox.
- Q What was his mother's name? A Annie Cox.
- Q Which one was Choctaw? A The mother.
- Q How much Choctaw blood was the mother possessed of? A One-half.
- Q Who did Annie Cox get her Choctaw blood from? A Her mother.
- Q What was her mother's name? A Lydian Hanks.
- Q What was Lydia Hanks husband's name? A Fielding Hanks.
- Q How much Choctaw blood did Lydian possess? A Full blood.
- Q Do you know the names of the parents of Lydia Hanks? A John Harper and wife, Mary Ann or Polly Ann.
- Q Were they full blood Choctaws? A Yes, sir.
- Q And you claim the right to identification as a Mississippi Choctaw by reason of being descended from John and Mary Ann Harper? A Yes, sir.
- Q What is the name of the Choctaw ancestor of your ward who was married and head of a family in 1830? A I don't know.
- Q What is the name of the Choctaw ancestor of your ward who was a recognized citizen of the old Choctaw Nation at the time the treaty was made? A I don't know.
- Q Can you give the name of the Choctaw ancestor of your minor ward who complied or attempted to comply with article 14 of the treaty of 1830? A I ~~can~~ understand John Harper did.
- Q Do you know what year John Harper died? A From what I understand between 1830 and 1835.
- Q Do you know how old he was at the time of his death? A No, sir.
- Q Did John Harper or any of these ancestors ever live in the state of Mississippi or Alabama? A I understand John Harper did.

- Q Do you know what year? A No, sir.
- Q Do you know where he lived in 1830? A I understand in Kentucky.
- Q Can you give the names of any Choctaw ancestors of this ward who did live in Mississippi at the time this treaty was made? A No, sir.
- Q Have you any proof that John Harper complied or attempted to comply with the fourteenth article of the treaty? A Not in this case.
- Q You present this proof in other cases? A Yes, sir.
- Q What does that proof consist of? A I understand that it shows he attempted to comply.
- Q Is that by depositions of witnesses or testimony? A Depositions of witnesses.
- Q What relation are you to your minor ward? A Third cousin.
- Q Do you desire this application to be consolidated with the other cases of those claiming under John Harper? A Yes,.
- Q Do you know whether any of them owned any improvements in the old Choctaw Nation in 1830? A No, sir.
- Q So far as you know did any of these Choctaw ancestors of your minor ward receive or claim any benefits under article 14 of the treaty of 1830? A No, sir.

In accordance with the provisions of article fourteen the government directed an agent in the old Choctaw Nation to register all the names of those Choctaw Indians who wanted to remain there and take land under its provisions; the records of the government show that he neglected to do so and on this account land on which they owned improvements and on which they desired to remain was sold by the government; this caused a great many complaints by these Choctaw Indians and these complaints finally reached Congress, and Congress by acts passed one in 1837 and another in 1842 authorized commissions to go into the old Choctaw Nation and investigate these claims. A great many of these claims were investigated some of which were allowed and some rejected; in the cases allowed if these lands had not been sold they were given their land and in case their land had been sold the commission authorized by the act of Congress of August 23, 1842 scrip was issued to these Indians. Under this scrip these Indians could locate on land in Mississippi, Alabama, Louisiana or Arkansas.

- Q Do you know whether these Choctaw ancestors of your ward ever appeared before either of these commissions and received any benefits under the provisions of article fourteen? A No, sir.
- Q Did any of them receive any scrip from the government? A No, sir.
- Q Do you know of a deed or patent issued to the ancestors of your minor ward issued to them for land under article 14? A No, sir.
- Q Is there anything further you would like to say? A No, sir.
- Q Does your minor ward Buford speak or understand the Choctaw language? A No, sir.
- Q What is the color of his hair? A Dark brown.
- Q His eyes are what color? A Gray eyes.
- Q Complexion? A Dark complected.
- Q Have you any witnesses you want to introduce in support of this claim today? A No, sir.

6873-5

Q Have you any documentary evidence you want to file? A No, sir.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, taken at Muskogee, Indian Territory, March 9, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*  
Subscribed and sworn to before me this 1st day of April, 1903.

*Charles H. Sawyer*  
Notary Public.

M C R 6873

Muskogee, Indian Territory, November 6, 1903.

C. C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Buford Ingram for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6873

Muskogee, Indian Territory, March 18, 1904.

C. C. Hanks,

Compton, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as a Mississippi Choctaw of Buford Ingram, of Maytown, Kentucky, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6873.

Muskogee, Indian Territory, June 26, 1905.

Buford Ingram,

Maytown, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

6873

No.

6873

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAY 1907

Name

Ruford Ingram m

Age

13

Blood

1/16

Post Office,

Maytown Ky

Father:

James Ingram ✓

Mother:

Lou Ellen Ingram A

Claims through

Mother

Children:

Appellation by

C. C. Hank. Guardian

stenographer C. I. Griffiths



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 6878

*Burford Ingram*

DECISION RENDERED.

MAR 4 1904

COPY OF  
ATTORNEY  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT: MAR 18 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 17 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

RECEIVED

Choctaw MCR 6874

Willie Ann Byrd

MCR 6874

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, Indian Territory, March 9, 1903.

In the matter of the application of Christopher C. Hanks for the identification of Millie Ann Byrd and her minor child Ernest Byrd as Mississippi Choctaws.

S. Heard (not present) Attorney for applicant.

Christopher C. Hanks being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Christopher C. Hanks.  
Q How old are you? A Fifty seven years old.  
Q What is your post office address? A Campton Kentucky.  
Q Are you an applicant for identification as a Mississippi Choctaw? A Yes sir.  
Q What is your purpose now in appearing before the commission?  
A To make application for the identification of Millie Ann Byrd and her minor child as Mississippi Choctaws under her power of attorney executed before W.S. Tutt, Clerk of the County Court of Wolf County, State of Kentucky \_\_\_\_\_ day of February 1903 acknowledge before said W.S. Tutt Clerk 27th day February 1903.
- Q In presenting this power of attorney Mr Hanks have you the certificate of a reputable physician showing the disability of Millie Ann Byrd? A Yes sir.

Applicant presents power of attorney above referred to which is filed marked exhibit "A" and made part of the record in this case; also certificate of H.H. Stamper M.D. to the effect that Millie Ann Byrd is in a condition of health which would not warrant her personal appearance before the Commission, is also filed marked exhibit "B" and made part of the record in this case.

The Commission will accept this power of attorney accompanied by the certificate, also your application for Millie Ann Byrd to be determined at a later date as to whether the application will be considered by the Commission.

- A Then will that be found out?  
Q You will receive notice in case the Commission declines to accept the power of attorney authorizing you to make this application.  
Q It is then your purpose to make application for the identification of Millie Ann Byrd and her minor child Ernest Byrd as Mississippi Choctaws? A Yes sir.  
Q How old is Millie Ann Byrd? A Millie Ann Byrd is twenty years old.  
Q How much Choctaw blood does she claim? A One eighth.

- Q What is her post office address? A Campton Kentucky.
- Q Has she ever lived any where else than Kentucky? A No sir.
- Q Born and raised there and lived there all her life?
- A Yes sir.
- Q Is her father living? A Yes sir.
- Q What is his name? A Thomas B. Haks.
- Q How old is he? A Forty eight years old.
- Q Is her mother living? A Yes sir.
- Q What is her name? A Mahala Haks
- Q How old? A Forty four I believe.
- Q Through which parent does Millie Ann Byrd claim her Choctaw blood? A Through her father.
- Q Were her father and mother legally married? A Yes sir.
- Q Have you evidence of that marriage with you? A It's filed with the records.
- Q In one of the other cases of the descendants of John Harper?
- A Yes sir.
- Q How old is Ernest Byrd, Millie Ann Byrd's son? A One year old.
- Q Did Thomas B. Haks, the father of Millie Ann Byrd apply to this Commission for identification as a Mississippi Choctaw
- A Yes sir.
- Q Where does her father reside? A At Campton Kentucky.
- Q Did he ever live in the Indian territory? A No sir.
- Q Did he ever live in the state of Mississippi? A No sir.
- Q Is Millie Ann Byrd's name to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Has any one for her ever made application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did she or any one for her in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under act of Congress of June 10, 1896? A No sir.
- Q Has she ever been admitted to citizenship in the Choctaw Nation Indian Territory by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Has any application prior to this time ever been made for her to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q It is your purpose now to make application for the identification of Millie Ann Byrd and her minor child Ernest Byrd as Mississippi Choctaws under the provisions of article fourteen of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830?
- A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi September 27 1830; at that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line of that state; the object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to a new country west of the Mississippi river which is now the Choctaw Nation Indian Territory; at the time the treaty was made a great many of the Choctaws refused to come to this new country and for the benefit of that class of Indians article fourteen was made a part of the treaty; the article is as follows:

"Each Choctaw head of a family being desirous to remain and

become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830; its provisions required that in case a Choctaw elected to remain in the old Choctaw Nation and take land under its provisions he should within six months from the date of the ratification of the treaty by Congress which was on the 24th day of February 1831 appear before the government agent in the old Choctaw Nation and signify to him, that is let him know in some way that he wanted to remain take land under article fourteen and become a citizen of the states; after having done that he was entitled as the head of a family to a reservation of one section of land to be bounded by sectional lines of survey -- 640 acres and for each child in his family unmarried over the age of ten years he was entitled to one half that quantity of land or 320 acres of land and for each child under ten years of age one quarter section or 120 acres of land the reservation of the children to adjoin the location of the parent and to include any improvement owned by the head of the family at the time the treaty was made September 27 1830; this article also required that after a Choctaw had received his land under this article he should reside upon the same for a period of five years after which time the government would issue him a patent, a fee simple titled to the land which would enable him to dispose of it at his pleasure; the last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that if a Choctaw who remained in the old Choctaw Nation should ever remove he should not lose the privilege of a Choctaw citizen in the new Choctaw Nation Indian Territory but should not be entitled to any portion of the Choctaw annuity. Annuities were moneys paid to the Choctaw Indians by the United States Government under treaty provisions.

That is article fourteen and an explanation of its provisions. What was the name of the Choctaw ancestor of Millie Ann Byrd who resided in the old Choctaw Nation in the state of Mississippi or Alabama September 27 1830 at the time of the making of this treaty? A I don't know whether any of them resided there or not.

What is the name of the Choctaw ancestor of Millie Ann Byrd through whom she claims her right to be identified as a Mississippi Choctaw? A John Harper and his wife Mary Ann or Polly Ann.

- Q What Choctaw blood were they possessed of? A Full blood, both of them.
- Q Millie Ann Byrd derives her Choctaw blood from her father Thomas B. Hanks? A Yes sir.
- Q What was his father's name? A Cud M. Hanks.
- Q What was the name of his mother? A Millie Ann Hanks.
- Q Which was the Choctaw? A Father.
- Q What was the name of Cud M. Hanks father? A Fielding Hanks.
- Q What was the name of his mother? A Lydia Hanks.
- Q Which one was the Choctaw? A Lydia Hanks.
- Q What was the name of Lydia Hanks father? A John Harper.
- Q The name of her mother? A Polly Ann or Mary Ann.
- Q You claim that John Harper and his wife Polly Ann or Mary Ann were full blood Choctaws? A Yes sir.
- Q Do you know when and where Cud M. Hanks and his wife Millie Ann were married? A Montgomery County Kentucky?
- Q Did they ever live in Mississippi or Alabama? A No sir.
- Q Do you know what year they were married? A I think in '36.
- Q Do you know when Fielding Hanks and his wife Lydia Harper were married? A No sir.
- Q Were they married and had a family in 1830? A Yes sir. Must have been because Cud M. Hanks married in thirty six.
- Q Did Fielding Hanks or his wife reside in the old Choctaw Nation either in Mississippi or Alabama in 1830? A I don't know.
- Q Did John Harper or his wife Polly Ann or Mary Ann live in the old Choctaw Nation in Mississippi or Alabama at the time of the ratification of this treaty? A I don't think they did.
- Q Then so far as you know were any of the Choctaw ancestors of Millie Ann Byrd recognized members of the Choctaw tribe of Indians September 27 1830 the time this treaty was made?
- A No sir.
- Q You don't know whether they were or not? A No sir.
- Q Did any of the Choctaw ancestors of Millie Ann Byrd within six months from the 24th day of February 1831 the date of the ratification of this treaty by Congress appear before the government agent in the old Choctaw Nation in Mississippi or Alabama and signify to him their intention of remaining and becoming citizens of the states and taking land under the provisions of article fourteen? A I understand John Harper did.
- Q You have testified that John Harper was <sup>not</sup> resident of the state of Mississippi in 1830; how did he apply?
- A Went from Kentucky there I think.
- Q What proof have you that John Harper appeared before the government agent in Mississippi or Alabama and signified his intention of complying with the provisions of article fourteen?
- A We have filed it here.
- Q You have proof filed in the consolidated cases of the descendants of John Harper? A Yes sir.
- Q Do you know whether any of the Choctaw ancestors of Millie Ann Byrd owned any land upon what constituted the old Choctaw Nation in Mississippi or Alabama on the 27th day of September 1830? A No sir.
- Q Did any of the Choctaw ancestors of Millie Ann Byrd remove from the old Choctaw Nation in Mississippi and Alabama between the years 1833 and 1838 at the time of the removal of the main portion of the Choctaws from the old Choctaw Nation to the Choctaw Nation Indian territory? A I don't know.
- Q You say John Harper went from Kentucky to Mississippi to make a claim for land under article fourteen? A Yes sir that's what I understood.



- Q Have you any evidence that he ever received any benefits from the United States government as a Choctaw Indian under article fourteen of the treaty of 1830? A No sir.

In accordance with the provisions of article fourteen the government directed an agent in the old Choctaw nation in Mississippi and Alabama to register the names of those Choctaws who wanted to remain, and take land under the provisions of that article; the records of the government show that he failed to register the names of a great many Choctaws who appeared before him and signified their intention of taking land and remaining and on this account land upon which Choctaws owned improvements and which they desired reserved for them under the provisions of that article was sold by the government at its public land sales and the Choctaws were dispossessed of their land; this caused a great many complaints on the part of the Choctaws and those complaints finally reached Congress and Congress by an act passed March 3 1837 and an act passed August 23 1842 authorized Commissions to go into the old Choctaw Nation in Mississippi and Alabama and investigate those claims; these commissions investigated a large number of claims some of which they allowed and others refused; of the claims allowed if it was found that the land had been sold by the government and after approval of the claims by the Secretary of War and the President the Choctaws were given the land; if however it was found that land which the Choctaws established their claims to under article fourteen before these commissions had been sold, the act creating the Commission of August 23 1842 provided also for the issuance of scrip in lieu of the land that had been sold; and those Choctaws could locate on vacant government land in Mississippi Alabama Louisiana or Arkansas.

- Q Do you know whether any of the Choctaw ancestors of Millie Ann Byrd appeared before either of those commissions and attempted to establish claims under article fourteen of the treaty of 1830? A No sir.
- Q Did they ever receive any scrip from the government for land under article fourteen? A No sir.
- Q And so far as you know did any of the Choctaw ancestors of Millie Ann Byrd ever receive any land from the United States government as beneficiaries under article fourteen of the treaty of 1830? A No sir.
- Q Do you know of the existence or have you ever heard of the existence of any deed or patent to land which was issued to any of the Choctaw ancestors of Millie Ann Byrd for the land they claimed under article fourteen of the treaty of 1830? A No sir.
- Q Have you any written evidence you want to offer in support of this case? A I don't know whether the marriage certificate's any benefit or not.
- Q When and where was Thomas B. Hanks and Mahala married?
- A They were married in seventy six I believe.
- Q Have you any evidence of Thomas B. Hanks and Mahala Hanks marriage? A It was filed in the application of the father.
- Q What is the name of the husband of Millie Ann Byrd?
- A W.L.Byrd.
- Q Is he a white man? A Yes sir.

Applicant offers certified copy of the marriage record of W.L.Byrd and Millie Ann Hanks marked Exhibit C and filed with the records in this case.

- Q Is there anything further you want to state in support of this claim? A No sir.

- Q Does Millie Ann Byrd speak or understand the Choctaw language  
A No sir.  
Q What is the color of her hair? A Dark brown hair.  
Q Color of her eyes? A Her eyes are gray.  
Q What complexion? A She has dark complexion

Christopher C. Hanks who makes this application under power of attorney for Millie Ann Byrd testifies that he has no knowledge of any act of compliance on the part of any of the Choctaw ancestors of Millie Ann Byrd with any of the provisions of the fourteenth article of the treaty of 1830.

- Q What relation to you is Millie Ann Byrd? A She's a niece of mine.  
Q You desire this case to be consolidated with and made a part of the consolidated Mississippi Choctaw case of the other descendants of John Harper? A Yes sir.

Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 9th day of March 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

*Clara Mitchell Wood*  
Subscribed and sworn to before me this 16th day of March 1903.

*Charles H. Sawyer*

Notary Public.



M C R 6874

Muskogee, Indian Territory, November 6, 1903.

C. C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Willis Ann Byrd and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6874

Muskogee, Indian Territory, November 6, 1903.

S. Heard,

Attorney-at-law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified C. C. Hanks that he will be allowed thirty days from this date in which to submit further evidence in support of the application of Willis Ann Byrd, et al., for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 19, 1904.

Christopher C. Hanks,

Campton, Kentucky.

Dear Sir:

You are heroby advise: that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of Willie Ann and Earnest Byrd as Mississippi Choctaws was made a part, refusing said application.

You are further advised that the attorney of record in your case, J. R. C. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

M.C.R.6874.

Muskogee, Indian Territory, June 26, 1905.

Millie Ann Byrd,

Campton, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

6874

No.

6874

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

CAR

1900

Name

Melbie Ann Byrd

Age

20

Blood

1/8

Post Office,

Campton Ky

Father:

Thomas B. Hanks ✓

Mother:

Mahala Hanks ✓

Claims through

father

Husband.

W. L. Byrd - no claim

Children:

Earnest Byrd 1

application by  
C. Hanks under  
power of attorney

unavailable in 1905

FOR IDENTIFICATION AS **R. 6874**  
A MISSISSIPPI CHOCTAW.

*Millie Ann Byrd et al*

DECISION RE

MAR 4 1904

COPY OF

MAILED

ATTORNEY

LAW AND

MAR 4 1904

CHICKASAW

NOTICE OF DECISION MAILED APPLICANT. MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 1905

NOTICE OF DEPARTMENTAL  
ACTION FORWARDED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL  
ACTION FORWARDED APPLICANT.

NOTICE OF DEPARTMENTAL  
ACTION FORWARDED APPLICANT.  
AND CHICKASAW NATION

REFER TO M. C. R.

Choctaw MCR 6875

Sarah Elizabeth Faulkner

MCR 6875

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory,  
March 9, 1903.

In the matter of the application by C.C. Hanks under power of attorney for the identification of Sarah Elizabeth Faulkner and her minor children, Asa Bird, Lucy Bell, Lillie May and William Carroll Faulkner, as Mississippi Choctaws.

C.C. Hanks being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A C.C. Hanks.  
Q How old are you? A Fifty-seven years old.  
Q What is your postoffice address? A Campton, Kentucky.  
Q Are you an applicant to this Commission for identification as a Mississippi Choctaw? A Yes sir.  
Q What is your purpose in now appearing before the Commission?  
A I appear under power of attorney to make application for Sarah Elizabeth Faulkner.  
Q Is she the mother of any children? A Yes sir, the mother of four children.  
Q What are their names and ages? A Asa Bird Faulkner, ten years of age; Lucy Bell Faulkner, eight years of age; Lillie May Faulkner, six years of age and William Carroll Faulkner, three years.

Applicant here offers duly executed power of attorney of Sarah Elizabeth Faulkner before W.S. Tutt, Clerk Wolfe County Court, State of Kentucky, 30th day of January, 1903; filed, marked exhibit "A" and made a part of the record in this case.

- Q How old is Sarah Elizabeth Faulkner? A Twenty-eight years old.  
Q How much Choctaw blood does she claim? A Claims one-eighth.  
Q What is her postoffice address? A Postoffice address is Haslegreen, Kentucky.  
Q How long has she lived in Haslegreen, Kentucky? A She has been at that postoffice or in that neighborhood all her life.  
Q Never lived anywhere else except in the State of Kentucky?  
A No sir.  
Q Is her father living? A No sir, her father is dead.  
Q What was his name? A Jackson Cox.  
Q How old would he be if he were living? A He would be sixty-four years old.  
Q Is her mother living? A Yes sir.  
Q What is her name? A Rebecca Cox.  
Q How old is she? A Fifty-eight.  
Q From which one of her parents does she get her Choctaw blood?  
A From her father.  
Q Where did her father die? A Died in Wolfe County, Kentucky.  
Q What year? A Year 1886.  
Q Did Jackson Cox ever live in the State of Mississippi? A No sir.



- Q What is the name of Sarah Elizabeth Faulkner's husband?  
 A James Faulkner.  
 Q Is he living? A Yes sir.  
 Q Is he a white man? A Yes sir.  
 Q Makes no claim to Choctaw blood? A No sir.  
 Q Is James Faulkner the father of the four children of Sarah Elizabeth Faulkner? A Yes sir.  
 Q Was Sarah Elizabeth Faulkner ever married before she married James Faulkner? A No sir.  
 Q Have you the evidence of marriage between Jackson Cox and Rebecca Cox filed in this case? A No sir.

It will be necessary for you to furnish the Commission with evidence of the legal marriage of the father and mother of this applicant. You can file either the original marriage license and certificate or a certified copy thereof.

- A The record is burned and will have to file it by proof.

You are informed that you will have to furnish certificate of the Clerk of the Court keeping those records to the effect that the records have been destroyed by fire; then you can file with the Commission as evidence of the legal marriage of Jackson Cox and Rebecca Cox the affidavits of two disinterested persons, witnesses to their marriage.

- Q Are the names of Sarah Elizabeth Faulkner or any of her minor children to be found upon any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir.  
 Q Did Sarah Elizabeth Faulkner, or any one for her, ever make application to the Choctaw tribal authorities for the enrollment of herself and minor children as members of that tribe? A No sir.  
 Q Did she, or any one for her ever make application in the year 1896 to the Commission to the Five Civilized Tribes for citizenship for herself and minor children in the Choctaw tribe of Indians under the act of Congress of June 10, 1898? A No sir.  
 Q Has she or any of her minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.  
 Q Has any application been made for her or her minor children prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.  
 Q Is it now your purpose to make application under this power of attorney for the identification of Sarah Elizabeth Faulkner and her four minor children as Mississippi Choctaws under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek, in Mississippi, on September 27, 1830. At that time the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the western boundary line. The object of the treaty was to secure

the removal of all of the Choctaws from the country they then occupied to a new country west of the Mississippi River, which is now the Choctaw Nation, Indian Territory. At the time the treaty was made a great many of the Choctaws refused to move to this new country, and for the benefit of that class of Indians, article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The fourteenth article required that in case a Choctaw elected to remain in the old Choctaw Nation and take land under its provisions he should, within six months from the ratification of the treaty by Congress, which was done the 24th of February, 1831, appear before the government agent there in the old Choctaw Nation and signify to him, that is, let him know in some way that he wanted to remain and take lands under the provisions of this article. After having done that, he was entitled as the head of a family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. For each child of his family, unmarried and over the age of ten years, he was entitled to one half that quantity of land or three hundred and twenty acres; for each child in his family under ten years of age he was entitled to a quarter section, or one hundred and sixty acres of land; the reservations of the children to adjoin the reservation of the parent and to include any improvements owned by the head of the family at the time of the conclusion of the treaty, September 27, 1830. This article also required that after a Choctaw had received his land he should reside upon the same for the term of five years, after which time the government would issue to him a patent conveying a title in fee simple which would enable him to dispose of his lands at his pleasure. The last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that a Choctaw who remained in the old Choctaw

Nation and took lands under the provisions of article fourteen did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, if he removed there; but that he did forfeit any right to participate in the annuity payments. Annuities were moneys paid to the Choctaw tribe of Indians by the United States government annually under treaty provisions. That is article fourteen and an explanation of its requirements.

- Q Do you make the claim for identification of Sarah Elizabeth Faulkner and her four minor children under that article? A Yes.
- Q What is the name of her ancestor through whom she claims her right to identification as a Mississippi Choctaw? A John Harper and wife.
- Q What was John Harper's wife's name? A Mary Ann or Polly Ann Harper.
- Q How much Choctaw blood did John Harper and his wife claim? A Full blood.
- Q Both of them? A Yes sir.
- Q Sarah Elizabeth Faulkner claims her Choctaw blood from her father, Jackson Cox. What is the name of Jackson Cox's father? A James Cox.
- Q What is the name of his mother? A Annie Cox.
- Q Which one was Choctaw? A His mother.
- Q What was the name of Annie Cox's father? A Fielding Hanks.
- Q What is the name of her mother? A Lydia Hanks.
- Q Which one was Choctaw? A Lydia Hanks.
- Q What is the name of Lydia Hanks' father? A John Harper.
- Q And the name of her mother? A Mary Ann or Polly Ann Harper.
- Q You claim that John Harper and his wife, Mary Ann or Polly Ann Harper, were both full blood Choctaws? A Yes sir.
- Q Do you know when and where James Cox and Annie Cox were married? A No sir, I do not.
- Q Were they married and the head of a family in 1830? A I don't know whether they were or not.
- Q Were Fielding Hanks and his wife, Lydia Hanks, married and the head of a family in 1830? A Yes sir.
- Q Can you give the names now of the Choctaw ancestors of Sarah Elizabeth Faulkner who were residents of the old Choctaw Nation in the States of Mississippi and Alabama September 27, 1830? A No sir.
- Q Can you give the names of her Choctaw ancestors who were recognized members of the old Choctaw tribe of Indians in 1830? A No sir; none but John Harper that I know of.
- Q Did John Harper and his wife, Mary Ann or Polly Ann Harper, live in the old Choctaw Nation in the States of Mississippi and Alabama in 1830? A No sir, not that I know of.
- Q Do you know where they resided at that time? A In Kentucky.
- Q Did all of the ancestors whose names you have given of Sarah Elizabeth Faulkner always reside in Kentucky? A I don't know about that; Harper, I understood, did live in Mississippi.
- Q Do you know of any of the others of these ancestors you have named living in Mississippi or Alabama? A No sir.
- Q Did Lydia Hanks always live in Kentucky? A I don't know whether she did or not; I don't know, sir.

- Q Did Annie Cox always live in Kentucky? A Yes.
- Q Can you give the name of any of her ancestors who went before the government agent in the old Choctaw Nation in Mississippi and Alabama within six months from the 24th day of February, 1831, that is, the date on which this treaty was ratified, and signified their intention of remaining in the old nation and taking lands under article fourteen? A I understand John Harper went before him.
- Q Explain how John Harper appeared before the government agent and made application for this land when you state that you do not know whether he was living in Mississippi in 1830 or not.
- A I understand he went from Kentucky to Mississippi and made application.
- Q Your understanding, then, is that John Harper was living in Kentucky in 1830 and went in that year to Mississippi to make application for these lands? A Yes sir.
- Q Have you any proof to offer that John Harper ever received any lands from the United States government as a beneficiary under article fourteen of the treaty of 1830? A No sir.
- Q Do you know whether John Harper or any of the Choctaw ancestors of Sarah Elizabeth Faulkner owned an improvement upon what constituted the old Choctaw Nation of Mississippi and Alabama at the time of the conclusion of this treaty? A No sir.
- Q Do you know whether any of her Choctaw ancestors removed from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation, Indian Territory, between the years 1833 and 1838 at the time of the removal of the main portion of the Choctaws to the Choctaw Nation, Indian Territory? A No sir.

In accordance with the provisions of article fourteen the government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of all of those Choctaws who wanted to remain and become citizens of the States, and take land under its provisions. This agent, however, according to the government records failed to record the names of a great many Choctaws who appeared before him and signified their intention of remaining and taking lands; and on this account lands upon which Choctaws owned improvements, and which they desired to reserve under this article were sold by the government at its public land sales. This caused a great many complaints on the part of the Choctaws on account of being dispossessed of their lands. These complaints finally reached Congress, and Congress under an act passed March 3, 1837, and another act passed August 23, 1842, authorized commissions to go into the old Choctaw Nation in Mississippi and Alabama and investigate these claims. A large number of claims were investigated, some of which were allowed and others were rejected. Of the claims allowed, after approval by the Secretary of War and the President, if it was found that the lands which these Choctaws claimed had not been sold by the government, they were given the lands. If, however, it was found that lands to which Choctaws established their claims before these commissions had been sold, the act of Congress of August 23, 1842, authorized scrip



to be issued to these Choctaws in lieu of the lands which they had lost by having them sold by the government. With this scrip these Choctaws could locate on the vacant government lands in the States of Mississippi, Alabama, Arkansas and Louisiana.

- Q Do you know whether any of her ancestors appeared before either of these two commissions and established their rights to lands under this article? A No sir.
- Q Do you know whether any of her ancestors ever received any scrip from the United States government for lands under article fourteen? A No sir.
- Q So far as you know, did any of her Choctaw ancestors ever receive any lands from the United States government as Choctaw Indians under article fourteen of the treaty of 1830? A No sir.
- Q Have you ever seen, or have you ever heard of the existence of any deed, or patent to land, to any of her ancestors for lands under article fourteen? A No sir.
- Q Does Sarah Elizabeth Faulkner speak or understand the Choctaw language? A No sir.
- Q What is the color of her hair? A Hair is light color.
- Q Is she a blond? A Is she a what?
- Q Is she fair? Would you call her a blond? A Yes, she has blue eyes and complexion is light.
- Q Do her features show that she is possessed of any Indian blood? A Yes sir.
- Q In what respect? A Well, her cheek bones are about the only thing.
- Q Not in any other characteristic? A Well, I am not very well acquainted with her-- in fact, I don't know. Her mother is a very light complected woman.

The attorney who makes this application testifies that he has no knowledge of any act of compliance upon the part of any of the Choctaw ancestors of the applicant with any of the provisions of the fourteenth article of the Choctaw treaty of 1830. He does testify, however, to an attempt on the part of John Harper to comply with said fourteenth article.

- Q What relation, if any, are you to the applicant in this case? A Second cousin.
- Q Do you desire her case to be consolidated with, and made a part of, the consolidated case of the other applicants claiming descent from John Harper? A Yes sir.
- Q Have you any witnesses in support of this claim? A No sir.

Applicant offers certificate of Dr. A.C. Nickell to the inability of Sarah Elizabeth Faulkner to make personal appearance before the Commission to submit her application for identification as a Mississippi Choctaw. The same is filed, marked exhibit "B" and made a part of the record in this case.

The attorney of applicant is notified that the Commission has heard this application and will determine at a later date whether the same can be considered under the power of attorney filed.

Beryl Ingram being duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above and foregoing cause on the 9th day of March, 1903, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Beryl Ingram*

Subscribed and sworn to before me this 17th day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M C R 6875

Muskogee, Indian Territory, November 6, 1903.

Sarah Elizabeth Faulkner,  
Hazlegreen, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6875

Muskogee, Indian Territory, November 6, 1903.

C. C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Sarah Elizabeth Faulkner, for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



M C R 6875

Muskogee, Indian Territory, March 18, 1904.

Sarah Elizabeth Faulkner,  
Hazel Green, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by C. C. Hanks for the identification as Mississippi Choctaws of yourself and your four minor children, Asa Bird, Lucy Bell, Lillie May and William Carroll Faulkner, was made a part, refusing said application.

This decision is subject to your inspection, and the record will be held by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6875.

Muskogee, Indian Territory, June 26, 1905.

Sarah Elisabeth Paulkner,

Hazlegreen, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

6875

No.

6875

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

JAN 1901

Date \_\_\_\_\_  
 Name *Carah Elizabeth Faulkner*  
 Age *28* Blood *1/8*

Post Office *Haylegreen Ky*  
 Father *Jackson Cox* ✓  
 Mother *Rebecca Cox* ✓

Claims through *Father*  
*Husband* *James Faulkner, W.* ✓  
*no claim for him*

## Children:

*Apa Bird Faulkner* 14  
*Luey Bell Faulkner* 8  
*Lillie May* 6  
*William Carroll* 3

*Application by*  
*Chas Hanks under*  
*Power of atty*

*Strongsville* *Bergs Ingram*

FOR IDENTIFICATION

A MISSISSIPPI CHOCTAW

*Sarah Elizabeth Faulkner*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 18 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF THE INTERIOR.

MAY 1 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 2 1905

NOTICE OF DEPARTMENTAL ACTION  
MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
MAILED APPLICANT.

RECEIVED JUN 13 1904

Choctaw MCR 6876

Nannie J. Bolin

MCR 6876

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, March 9, 1903.

In the matter of the application by C.C. Hanks under power of attorney for the identification of Nannie J. Bolin and her minor children, John C. and Bannie B. Bolin, as Mississippi Choctaws.

C.C. Hanks being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A C.C. Hanks.  
Q How old are you? A Fifty-seven.  
Q What is your postoffice address? A Campton, Kentucky.  
Q Are you an applicant before this Commission for identification as a Mississippi Choctaw? A Yes sir.  
Q What is your purpose in making this appearance? A I appear under power of attorney for the purpose of making application for identification as Mississippi Choctaws of Nannie J. Bolin and her minor children, John C. and Bannie B. Bolin.

There is offered the duly executed power of attorney of Nannie J. Bolin, constituting C.C. Hanks her agent and attorney for the purpose of making this application, executed before Florence Patrick, Notary Public, County of Brethitt, State of Kentucky, January 21, 1903. The same is filed, marked exhibit "A" and made a part of the record in this case.

- Q Have you a physician's certificate to accompany this power of attorney, showing the inability of Nannie J. Bolin to make personal appearance? A Yes sir.

There is offered the certificate of J.M. Kash, M.D., dated Jackson, Brethitt County, Kentucky, February 21, 1903, acknowledged before A.L. Hagins, Clerk Brethitt Circuit Court, 23d of February, 1903, to the effect that Nannie J. Bolin is physically unable to make personal appearance before the Commission to the Five Civilized Tribes; and the same is filed, marked exhibit "B" and made a part of the record in this case.

The matter of this application under power of attorney will be considered by the Commission.

- Q How old is Nannie J. Bolin? A Twenty-seven.  
Q How much Choctaw blood do you claim for her? A Claim one-eighth.  
Q What is her postoffice address? A Jackson, Kentucky.  
Q Where was she born? A She was born in Wolfe County, Kentucky.  
Q Has she always lived in the State of Kentucky? A Yes sir.  
Q Is her father living? A No sir, he is dead.  
Q What was his name? A Henry T. Norton.  
Q How old would he be if he were living now? A He would be about 64 years old, I guess.  
Q Is her mother living? A Yes sir.  
Q What is her name? A Laura A. Norton.  
Q How old is she? A Well, she is fifty-three, I think.

- Q From which one of her parents does she derive her Choctaw blood?  
 A From her mother.
- Q Is her mother an applicant before this Commission? A Yes sir.
- Q She has made personal appearance, has she? A Yes sir, she has filed application.
- Q Is her husband living? Is Nannie J. Bolin's husband living?  
 A Yes sir.
- Q What is his name? A James Bolin.
- Q Does he make any claim to Choctaw Indian blood? A No sir.
- Q What is the age of John C. Bolin? A Nine years.
- Q What is the age of Bannie B. Bolin? A One year.
- Q Is James Bolin the father of the two minor children of Nannie J. Bolin? A Yes sir.
- Q Are the names of Nannie J. Bolin and her minor children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did she ever make application to the Choctaw tribal authorities in Indian Territory for the enrollment of herself and minor children as members of that tribe? A No sir.
- Q Did she or any one for her or her minor children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have she or her minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
- Q Has she ever made application prior to this time for the admission to citizenship in the Choctaw Nation of herself and minor children to either the Choctaw tribal authorities or the authorities of the United States? A No sir.
- Q Do you appear before the Commission at this time claiming rights in the Choctaw lands in Choctaw Nation, Indian Territory, under power of attorney for Nannie J. Bolin and her minor children under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi, on the 27th day of September 1830. At that time the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the country they then occupied to a new country west of the Mississippi River which is now the Choctaw Nation, Indian Territory. At the time the treaty was made, a great many of the Choctaws did not want to remove to this new country but preferred to remain in the old Choctaw Nation; and for the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is the 14th article, and its provisions required that in case a Choctaw elected to remain in the old Choctaw Nation and take lands under its provisions, he should within six months from the date of the ratification of the treaty by Congress, and Congress ratified the treaty on the 24th day of February, 1831, appear before the government Agent there in the old Choctaw Nation and signify to him, that is, let him know in some way, that he wanted to remain there and take lands under this article. After having done that, he was entitled as the head of a family to a reservation of one section, or six hundred and forty acres of land, to be bounded by sectional lines of survey; and for each child in his family, unmarried and over ten years of age he was entitled to one-half that quantity, or three hundred and twenty acres of land and for each child under ten years he was entitled to a quarter section, or one hundred and sixty acres of land; the reservations of the children to adjoin the reservation of the parent; and to include any improvements owned by the head of the family at the time the treaty was made, September 27, 1830. This article also required that after a Choctaw had received his lands he should reside upon the same for the term of five years, after which time the government would issue him a patent conveying a title in fee simple which would enable him to dispose of his lands at his pleasure. The last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw remained in the old Nation and took lands under this article, he did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, but did forfeit his right to participate in any of the annuity payments. Annuities were moneys paid to the Choctaw tribe of Indians by the government annually under treaty provisions. That is article fourteen and an explanation of it.



- Q What is the name of the Choctaw ancestor of Nannie J. Bolin through whom she claims her right to identification as a Mississippi Choctaw? A John Harper and his wife, Polly Ann or Mary Ann Harper.
- Q The applicant claims her Choctaw blood through her mother, Laura A. Horton; what is the name of Laura A. Horton's father? A Cud M. Hanks.
- Q What was the name of her mother? A Millie Ann Hanks.
- Q Which one was Choctaw? A Her father.
- Q What was the name of his father? A Fielding Hanks.
- Q What was the name of his mother? A Lydia Hanks.
- Q Which one was Choctaw? A Lydia Hanks.
- Q What was the name of Lydia Hanks' father? A John Harper.
- Q What was the name of her mother? A Polly Ann or Mary Ann Harper.
- Q How much Choctaw blood was John Harper and his wife possessed off? A Full bloods.
- Q Were Cud M. Hanks and his wife married and the head of a family in 1830? A No sir.
- Q Were Fielding Hanks and his wife married and the head of a family in 1830? A Yes sir.
- Q Can you give the name of the ancestor of Nannie J. Bolin who went before the government agent in the old Choctaw Nation in Mississippi and Alabama and told him he wanted to stay there and take lands under the fourteenth article? A I understand John Harper did.
- Q Have you any information to the effect that Fielding Hanks or his wife, Lydia Hanks, ever appeared before this agent and signified their intention of taking lands? A No sir.
- Q Can you give the names of the Choctaw ancestors of Nannie J. Bolin who resided in the old Choctaw Nation in 1830 when this treaty was made? A No sir.
- Q Then John Harper, although you say he signified his intention to the agent of staying and taking lands, was not a resident of the old Choctaw Nation in 1830? A That is the way I understand it.
- Q Do you know where he resided at that time? A In Kentucky, I understand.
- Q Then you have no knowledge of any of the ancestors of Nannie J. Bolin being residents of the old Choctaw Nation in Mississippi and Alabama in 1830? A No sir.
- Q Do you know whether any of them were recognized citizens of the old Choctaw Nation at that time? A No sir, I do not.
- Q Do you know whether any of them owned an improvement upon what constituted the old Choctaw Nation at that time? A No sir.
- Q Do you know whether any of them removed from the old Choctaw Nation to the Choctaw Nation, Indian Territory between the years 1833 and 1838 at the time of the removal of the main portion of the Choctaws to the Choctaw Nation, Indian Territory? A No sir.

In accordance with the provisions of article fourteen the government directed an agent in the old Choctaw Nation to register the names of all of those Choctaws who wanted to remain there and take lands under its provisions.

The records of the government show, however, that this agent failed to register the names of a great many Choctaws who really appeared before him and signified their intention of staying and taking lands. On this account, lands upon which Choctaws owned improvements and which they desired reserved for them under this article were sold by the government at its public land sales, and the Choctaws were dispossessed of their lands. This caused a great many complaints on the part of the Choctaws. These complaints finally reached Congress. Congress under an act passed March 3, 1837, and another act passed August 23, 1842, authorized commissions to go into the old Choctaw Nation and investigate these claims. A large number of claims were investigated, some allowed and others rejected. Of the claims allowed, after approval by the Secretary of War and the President, if it was found that the lands had not been sold, the Choctaws were given the lands. If, however, it was found that lands to which Choctaws established their rights under article 14 before these Commissions had been sold, the act of Congress of August 23, 1842, authorized scrip to be issued to these Choctaws in lieu of their lands which had been sold. Under this scrip these Choctaws could locate on vacant government lands in the States of Mississippi, Alabama, Arkansas and Louisiana.

- Q Do you know if any of her ancestors appeared before either of these commissions and established their right to lands under article fourteen? A No sir.
- Q Do you know whether any of her Choctaw ancestors received any scrip from the United States government for lands to which they established their claims under article fourteen before these commissions? A No sir.
- Q So far as you know, did any of the Choctaw ancestors of Nannie J. Polin ever receive any lands from the United States government under article fourteen? A No sir.
- Q Have you ever heard of the existence of, or have you ever seen a deed or patent to land from the United States government to any of her Choctaw ancestors under article fourteen? A No sir.
- Q Have you any witnesses you want to introduce in support of this application? A No sir.
- Q Have you any documentary evidence that you want to offer?
- A Yes.

Applicant offers certified copy of marriage record between James G. Polin and Nannie Horton; and the same is filed, marked exhibit "C" and made a part of the record in this case.

- Q Does Nannie J. Polin speak or understand the Choctaw language?
- A No sir.
- Q What is the color of her hair? A Her hair is dark.
- Q What—dark brown? A Yes sir.
- Q What is the color of her eyes? A Dark brown.
- Q What is her complexion? A Dark complected.

Attorney for applicant testifies that he has no knowledge of any compliance on the part of the ancestors of applicant with any of the provisions of the fourteenth article of the Choctaw treaty of 1830. He does testify, however, to an attempt on the

part of John Harper to comply with said fourteenth article.

- Q Are you related in any way to the applicant? A Yes sir, she is a niece of mine.
- Q Do you desire her application consolidated with and made a part of the consolidated case of the other applicants claiming descent from John Harper? A Yes sir.

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Beryl Ingram being duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above and foregoing cause on the 9th day of March, 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Beryl Ingram*

Subscribed and sworn to before me this 17<sup>th</sup> day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M C R 6876

Muskogee, Indian Territory, November 6, 1903.

C. C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Nannie J. Bolin and her minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6876

Muskogee, Indian Territory, November 6, 1903.

Nannie J. Bolin,  
Jackson, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6876

Muskogee, Indian Territory, March 18, 1904.

Nannie J. Bolin,

Jackson, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made byn C. C. Hanks for the identification as Mississippi Choctaws of yourself and your minor children, John C. and Bannie B. Bolin, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6876.

Muskogee, Indian Territory, June 26, 1905.

Nannie J. Bolin,

Jackson, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman,

6876

No.

6876

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAY 9 1903

Name

Nannie J. Polin

Age

27

Blood

1/8

Post Office,

Jackson Ky

Father:

Henry J. Norton D

Mother:

Laura A " ✓

Claims through

Mother

James Polin ✓

No claim for him

Children:

John C. Polin 9

Nannie B " 1

Application by  
 E. C. Hanks under  
 Power of Atty

Monograph by C. L. Ingram



FOR IDENTIFICATION AS R. 6876  
A MISSISSIPPI CHOCTAW.

*Nannie J. Polini et al*

DECISION RENDERED

MAY 1 1904

COPIES OF DECISION  
ATTACHED TO FILE  
CHIEF OF BUREAU

RECORDED  
AND INDEXED

MAY 1 1904

NOTICE OF DECISION MADE APPLICANT. MAY 18 1904

RECORD FORWARDED DEPARTMENT

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAY 1 1904

NOTICE OF DECISION  
MADE APPLICANT

MAY 1 1904

JUN 1 1904

5000

Choctaw MCR 6877

Lucy Drake

MCR 6877

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, March 9, 1903.

In the matter of the application by C.C. Hanks under power of attorney for the identification of Lucy Drake and her minor child, Elmer Drake, as Mississippi Choctaws.

C.C. Hanks being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A C.C. Hanks.  
Q What is your age? A Fifty-seven.  
Q What is your postoffice address? A Campton, Kentucky.  
Q Are you an applicant to this Commission for identification as a Mississippi Choctaw? A Yes sir.  
Q What is your purpose in appearing at this time? A To make application for the identification of Lucy Drake and her minor child, Elmer Drake, as Mississippi Choctaws, under her power of attorney.

The Commission requires that this power of attorney be accompanied by a physician's certificate of the applicant's inability to make personal appearance.

Applicant offers duly executed power of attorney of Lucy Drake before W.L. Bush, Notary Public, Wolfe County, Kentucky, on January 30, 1903. Her power of attorney constitutes C.C. Hanks her lawyer for the purpose of making this application. Her power of attorney is filed, marked exhibit "A" and made a part of the record in this case.

There is also filed the certificate of M.L. Knox, M.D., sworn to before W.L. Bush, Notary Public, Wolfe County, Kentucky, to the effect that Lucy Drake is physically unable to make personal appearance before the Commission to the Five Civilized Tribes. The same is marked exhibit "B" and made a part of the record in this case.

The Commission will take the power of attorney and accompanying physician's certificate, together with the application made by attorney, under consideration.

- Q How old is Lucy Drake? A 32 years old.  
Q How much Choctaw blood does she claim? A Claims one-eighth.  
Q What is her postoffice address? A Torrent, Kentucky.  
Q Was she born in Kentucky? A Yes sir.  
Q Has she always lived in the State of Kentucky? A Always lived in Kentucky.  
Q Is her father living? A Yes sir.  
Q What is his name? A Thomas B. Hanks.  
Q How old is he? A Fifty-one.

- Q Is her mother living? A Yes sir.
- W What is her name? A Mahala Hanks.
- Q How old is she? A Forty-eight, I think.
- Q Through which parent does she derive her Choctaw blood? A From her father.
- Q Were her father and mother legally married? A Yes sir.
- Q Has evidence of that marriage been filed with the other cases? A Yes sir.
- Q Is Thomas B. Hanks himself an applicant? A Yes sir.
- Q What is the name of her husband? A James Drake.
- Q Is he living? A Yes sir.
- Q Does he make any claim to Choctaw Indian blood, or any Indian blood? A No sir.
- Q How old is Elmer Drake, her child? A Nine months old.
- Q Is Lucy Drake's name to be found upon any of the tribal rolls of the Choctaw Nation, Indian Territory? A No sir.
- Q Did she, or any one for her, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q Did she, or any one for her, in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Has she ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.
- Q Has she ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear at this time for the purpose of making application for Lucy Drake and her minor child, Elmer Drake, to be identified as Mississippi Choctaws entitled to rights in the Choctaw lands, Choctaw Nation, Indian Territory, under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians, September 27, 1830? A Yes sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830. At that time the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the western boundary line. The object of the treaty was to secure the removal of all of the Choctaws from the country they then occupied to a new country west of the Mississippi River which is now the Choctaw Nation, Indian Territory. At the time the treaty was made, a great many of the Choctaws did not want to remove to this new country but preferred to remain in the old Choctaw Nation. For the benefit of that class of Choctaws, article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon

be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen, and its provisions required that in case a Choctaw elected to remain and take lands in the old Choctaw Nation, he should within six months from the date of the ratification of this treaty, which was done by Congress on the 24th day of February, 1831, appear before the Indian Agent in the old Choctaw Nation and signify to him his intention to remain and take lands under this article. After doing that, he was entitled as the head of a family to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family over the age of ten years and unmarried he was entitled to a half section, or three hundred and twenty acres of land, and for each child in his family under ten years of age he was entitled to a quarter section, or one hundred and sixty acres of land; the reservations of the children to adjoin the reservation of the parent and to include any improvement owned by the head of the family at the time the treaty was made, September 27, 1830. This article also required that after a Choctaw had received his lands he should reside upon the same five years, after which time the government would issue him a patent conveying the title in fee simple which would enable him to dispose of his lands at his pleasure. The last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw remained in the old Choctaw Nation and complied with the provisions of this article that he did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, if he ever removed there, but did forfeit his right to participate in annuity payments. Annuities were money paid to the Choctaw tribe of Indians annually by the government under treaty provisions.

That is article fourteen of the treaty of 1830 and an explanation of its requirements.

- Q Now, what are the names of the Choctaw ancestors through whom she claims her right to be identified as a Mississippi Choctaw?
- A John Harper and his wife, Mary Ann or Polly Ann Harper.
- Q She claims her Choctaw blood through her father, Thomas B. Hanks; what is the name of Thomas B. Hanks' father? A Oud M. Hanks.
- Q What is the name of his mother? A Millie Ann Hanks.
- Q Which one was Choctaw? A His father.

- Q Now who was Cud M. Hanks' father? A Fielding Hanks.
- Q What was the name of his mother? A Lydia Hanks.
- Q Which one was Choctaw? A Lydia Hanks.
- Q What was the name of Lydia Hanks' father? A John Harper.
- Q And the name of her mother? A Polly Ann or Mary Ann Harper.
- Q How much Choctaw blood were they possessed of? A Full blood.
- Q Both of them? A Yes sir.
- Q Can you give the names of her Choctaw ancestors who lived in the old Choctaw Nation in Mississippi and Alabama in 1830 at the time this treaty was made? A I cannot.
- Q Were Cud M. Hanks and Millie Ann Hanks married and the head of a family in 1830? A No sir.
- Q Were Fielding Hanks and his wife Lydia married and the head of a family in 1830? A Yes sir.
- Q Did they live in the old Choctaw Nation in Mississippi and Alabama at that time? A No sir.
- Q Do you know where they did live at that time? A They lived in Kentucky.
- Q Can you give the name of her Choctaw ancestor who within six months from the 24th day of February, 1831, appeared before the Indian Agent in the old Choctaw Nation and signified his intention of staying and taking lands under article fourteen? A I have been told that John Harper did.
- Q Were John Harper and his wife, Polly Ann or Mary Ann Harper, living in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A No sir, I think not.
- Q What explanation then can you make of his appearing before the Agent there and attempting to comply with article fourteen when you say he did not reside there when the treaty was made? A I understand he went from Kentucky there for that purpose.
- Q He was living then in Kentucky prior to the making of this treaty? A Yes sir, that is what I understand.
- Q Do you know whether John Harper and his wife ever maintained a residence in the old Choctaw Nation in Mississippi and Alabama?
- A They lived there before that time, some time or other, but I do not know where it was.
- Q Did any of her Choctaw ancestors own any improvements upon what constituted the old Choctaw Nation in Mississippi and Alabama in 1830? A Not that I know of.
- Q Did any of her Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama between the years 1833 and 1855 at the time of the removal of the main portion of the Choctaws to the Choctaw Nation, Indian Territory? A I don't know.

In accordance with the provisions of article fourteen the government directed an Agent in the old Choctaw Nation to register the names of all those Choctaws who wanted to remain there and take lands under its provisions. The records of the government show that this Agent failed to register the names of a great many Choctaws who appeared before him and signified their intention of staying and taking lands; and on this account lands upon which Choctaws owned improvements, and which they wanted reserved for them, were sold by the government at its public land sales and the Choctaws were dispossessed of their lands. This caused a great many complaints on the part of the



Choctaws and these complaints finally reached Congress. Congress under an act passed March 3, 1837, and another act passed August 23, 1842, authorized commissions to go into the old Choctaw Nation and investigate these claims. A large number of claims were investigated, some of which were allowed and others were rejected; but of the claims allowed after approval by the Secretary of War and the President, if it was found that the lands which these Choctaws claimed had not been sold, the lands were given them. If, however, lands to which they had established their claims under this article had been sold, the act of Congress of August 23, 1842, authorized the issuance of scrip in lieu of the lands that had been sold. Under this scrip these Choctaws could locate on vacant government lands in the States of Mississippi, Alabama, Louisiana and Arkansas.

- Q Did any of Lucy Drake's ancestors appear before either of these two commissions and establish claims to lands under article fourteen? A Not that I know of.
- Q Do you know whether any of her ancestors received any scrip for lands which had been sold and to which they established claims? A No sir.
- Q So far as you know, did any of Lucy Drake's ancestors ever receive any lands from the United States government under article fourteen? A No sir.
- Q Do you know, or have you ever heard of, the existence of any patent to lands that was issued by the United States government to any of her Choctaw ancestors under article fourteen? A No sir.
- Q Have you any written evidence that you want to introduce in support of this case? A Nothing further.
- Q Have you any statement which you want to make yourself? A No.
- Q Does Lucy Drake speak or understand the Choctaw language? A No sir.
- Q What is the color of her hair? A Her hair is light.
- Q What is the color of her eyes? A Blue eyes.
- Q What is her complexion? A Complexion fair.
- Q Is she related to you in any way? A A niece of mine.
- Q Do you desire her application to be consolidated with and made a part of the consolidated case of the other applicants claiming through John Harper? A Yes sir.

Beryl Ingram being duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 9th day of March, 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Beryl Ingram*

Subscribed and sworn to before me this 17<sup>th</sup> day of March, 1903.

*Charles H. Sawyer*

Notary Public.

M C R 6877

Muskogee, Indian Territory, November 6, 1903.

C. C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Lucy Drake and her minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



M C R 6877

Muskogee, Indian Territory, March 18, 1904.

Lucy Drake,  
Torrent, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by C. C. Hanks for the identification as Mississippi Choctaws of yourself and your minor child, Elmer Drake, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C. R.6877.

Muskogee, Indian Territory, June 26, 1905.

Lucy Drake,

Torrent, Kentucky.

Dear madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

6877

No.

6877

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 9 1903

Name

Lucy Drake

Age

22

Blood

1/8

Post Office,

Tarrant Ky

Father:

Thomas B. Hanks ✓

Mother:

Mahala ✓

Claims through

Husband

father

James Drake ✓

Children:

Elmer Drake 9

~~Claims~~ Application  
by C. B. Hanks under  
power of atty

Stenographed

Pryl Ingram

FOR IDENTIFICATION AS A. 687  
A MISSISSIPPI CHOCTAW.

*Lucy Drake et al*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY GENERAL AND  
CHICKASAW NATION

MAR 4 1904

NOTICE OF DECISION MAILED AT DEPT. MAR 18 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPEAL BY  
SECRETARY OF INTERIOR.

M-

NOTICE OF  
ACTION MAILED AT DEPT.

JUN

NOTICE OF  
FORWARDED AT DEPT.

REFER TO M. C. R

5000

Choctaw MCR 6878

Joseph Landrum

MCR 6878

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, March 2, 1903.

In the matter of the application by C.C. Hanks under power of attorney for the identification of Joseph Landrum and his minor child, Ova Loid Landrum, as Mississippi Choctaws.

C.C. Hanks being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A C.C. Hanks.  
Q What is your age? A Fifty-seven.  
Q What is your post-office address? A Campton, Kentucky.  
Q Are you an applicant to this Commission for identification as a Mississippi Choctaw? A Yes sir.  
Q What is your purpose in appearing before the Commission at this time? A For the purpose of making application under power of attorney for the identification of Joseph Landrum and his minor child, Ova Loid Landrum, as Mississippi Choctaws.  
Q Have you a physician's certificate to accompany this power of attorney showing the inability of Joseph Landrum to make personal appearance? A Yes sir, I have two.

The power of attorney of Joseph Landrum duly executed before Joseph C. Lykins, Notary Public, Wolfe County, Kentucky, March 2, 1903, constituting C.C. Hanks his attorney to make application for the identification of himself and minor child as Mississippi Choctaws. The same is filed, marked exhibit "A" and made a part of the record in this case.

The certificate of H.H. Stamper, M.D., sworn to before Joseph C. Lykins, Notary Public, March 2, 1903; and the certificate of A.C. Mickell, M.D., sworn to before W.T. Caskey, Notary Public, Wolfe County, Kentucky, February 28, 1903, to the effect that Joseph Landrum is physically unable to make personal appearance before the Commission. The same are filed, marked exhibits "B" and "C" and made a part of the record in this case.

The Commission accepts this application made under power of attorney for consideration; and will advise the applicant in event that said application will not be considered.

- Q How old is Joseph Landrum? A Joseph Landrum is twenty-eight years old.  
Q How much Choctaw blood does he claim? A Claims one-eighth.  
Q What is his postoffice address? A Toliver, Kentucky.  
Q Was he always lived at that place? A Yes sir.  
Q Born in Kentucky and raised in Kentucky? A Yes sir.

- Q Is his father living? A Yes sir.  
 Q What is his name? A A.B. Landrum.  
 Q How old is he? A Fifty-nine years old, I reckon.  
 Q Is his mother living? A Yes sir.  
 Q What is her name? A Nancy J. Landrum.  
 Q How old is she? A Fifty-four.  
 Q Through which parent does he claim his Choctaw blood? A Through his mother.  
 Q Has his mother ever appeared before the Commission and made application? A Yes sir.  
 Q Is his wife living? A Yes sir.  
 Q What is her name? A Ariel Landrum.  
 Q Is she a white person? A Yes sir.  
 Q Makes no claim to Indian blood? A No sir.  
 Q Is Ova Loid Landrum the daughter of Joseph Landrum and his wife Ariel? A Yes sir.  
 Q How old is this child? A One year old.  
 Q Were Joseph Landrum and his wife legally married? A Yes sir.  
 Q Have you evidence of that marriage?

There is offered the certified copy of the marriage record between J.J. Landrum and Ariel Sweeney; and the same is filed, marked exhibit "D" and made a part of the record in this case.

- Q Is Joseph Landrum's name to be found upon any of the tribal rolls of the Choctaw Nation? A No sir.  
 Q Did he, or any one for him, ever make application to the tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.  
 Q Did he, or any one for him, in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.  
 Q Has he ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir.  
 Q Did he ever make application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.  
 Q Do you appear before the Commission at this time to make application for the identification of Joseph Landrum and his minor child, Ova Loid Landrum, as Mississippi Choctaws claiming rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830? A Yes sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi on the 27th of September, 1830. The object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to a new country west

of the Mississippi River which is now the Choctaw Nation, Indian Territory. At the time the treaty was made a great many of the Choctaws did not want to remove to this new country, but preferred to remain in the old Choctaw Nation. For the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation and take land under its provisions he should, within six months from the date of the ratification of the treaty by Congress, which was done on the 24th day of February, 1831, appear before the government Agent there in the old Choctaw Nation and signify to him, that is, let him know in some way, that he wanted to remain there and take lands under its provisions. After having done that, he was entitled as the head of a family to a reservation of a section, or six hundred and forty acres of land to be bounded by sectional lines of survey; and for each child in his family, unmarried and over the age of ten years he was entitled to a half section, or three hundred and twenty acres of land; and for each child under ten years of age he was entitled to a quarter section or one hundred and sixty acres of land; the reservations of the children to adjoin the reservation of the parent and to include any improvements owned by the head of the family at the time the treaty was made, September 27, 1830. This article also required that in case a Choctaw took his land, he should reside upon the same for the term of five years, after which time a patent conveying a title in fee simple would be issued by the government which would enable him to dispose of his land at his pleasure. The last clause of the article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."



That means that in case a Choctaw remained and took his lands under article fourteen, he did not forfeit his right to citizenship in the Choctaw Nation, Indian Territory, if he ever removed there, but he did forfeit his right to participate in any of the Choctaw annuity payments. Annuities were moneys paid to the Choctaw tribe of Indians by the government under treaty provisions. That is article fourteen and an explanation of its requirements.

- Q What were the names of the Choctaw ancestors of Joseph Landrum through whom he claims his right to identification as a Mississippi Choctaw? A John Harper and his wife, Polly Ann or Mary Ann Harper.
- Q He claims his Choctaw blood through his mother, Nancy J. Landrum? A Yes sir.
- Q What was the name of her father? A James Cox.
- Q What was the name of her mother? A Annie Cox.
- Q Which one was Choctaw? A Her mother.
- Q What is the name of Annie Cox's father? A Fielding Hanks.
- Q What was the name of her mother? A Lydia Hanks.
- Q Which one was Choctaw? A Lydia Hanks.
- Q What was the name of Lydia Hanks' father? A John Harper.
- Q And the name of her mother? A Polly Ann or Mary Ann Harper.
- Q Of how much blood were John Harper and his wife possessed? A They were full bloods.
- Q Were James Cox and his wife married and the head of a family in 1830? A No sir, I do not think they were.
- Q Were Fielding Hanks and his wife, Lydia Hanks, married and the head of a family in 1830? A Yes sir.
- Q Did Lydia Hanks live in the old Choctaw Nation in Mississippi and Alabama in 1830? A No sir, I think not.
- Q Did she comply, or attempt to comply, with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Where was she living in 1830? A In Kentucky.
- Q You don't know of any residence they ever had in Mississippi or Alabama? A No sir.
- Q Give the names of the ancestors of Joseph Landrum who within six months from the 24th day of February, 1831, signified to the United States Agent in the old Choctaw Nation their intention of staying and taking lands under article fourteen? A My understanding is that John Harper did.
- Q Were John Harper and his wife living at that time in the old Choctaw Nation? A No sir, they were not.
- Q Do you know where they lived? A My understanding is that they lived in Kentucky at that time.
- Q What was your understanding about their living in Kentucky in 1830 and making an attempt to comply with the provisions of article fourteen before the government Agent in the old Choctaw Nation in Mississippi and Alabama? A I understood that he went from Kentucky there for that purpose.
- Q So far as you know, did any of his Choctaw ancestors ever receive any land from the United States government as Choctaw Indians under article fourteen of the Choctaw treaty of 1830? A No sir.

- Q So far as you know, were any of his Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians? A Not that I know of.
- Q Do you know of the existence of any patent or deeds to lands that may have been given to any of his Choctaw ancestors by the government for lands under article fourteen of the treaty of 1830?
- A No sir.
- Q Does Joseph Landrum speak or understand the Choctaw language?
- A No sir.
- Q Describe Joseph Landrum as to his characteristics, features and so forth. A He has dark red hair and he has got blue eyes and is fair complected.

Attorney who makes this application testifies that he has no knowledge of any act of compliance on the part of any of the Choctaw ancestors of the applicant; he does, however, testify to an attempt to comply on the part of John Harper with the provisions of said article fourteen.

- Q What relation, if any, exists between yourself and applicant?
- A He is a second cousin of mine.
- Q Do you desire his case consolidated with and made a part of the consolidated case of the other applicants who are descendants of John Harper? A Yes sir.

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Beryl Ingram being duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 9th day of March, 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Beryl Ingram*

Subscribed and sworn to before me this 17 day of March, 1903.

*Charles E. Sumner*  
Notary Public

M C R 6878

Muskogee, Indian Territory, November 6, 1903.

Joseph Landrum,

Tolliver, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6878

Muskogee, Indian Territory, November 6, 1903.

C. C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Joseph Landrum and his minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 18, 1904.

Joseph Landrum,  
Toliver, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by C. C. Hanks for the identification as Mississippi Choctaws of yourself and minor child, Ova Loid Landrum, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

Registered

M.C.R. 6878.

Muskogee, Indian Territory, June 26, 1905.

Joseph Landrum,

Toliver, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

65018

No.

6878

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 9 1903

Name

Joseph Landrum

Age

28

Blood

1/8

Post Office,

Toliver Ky

Father

T. D. Landrum

Mother

Wm. J. Landrum

Claims through

mother

wife

Ariel Landrum

no claim for wife

Children:

Ora Laid Landrum

Application by  
A. C. Hanks under  
power of atty

Wm. J. Landrum

*Joseph Landrum*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION RENDERED TO APPLICANT:

MAR 18 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 15

NOTICE OF DECISION RENDERED  
TO APPLICANT.

JUN 1 1904

NOTICE OF DECISION RENDERED  
FORWARDED TO APPLICANT.

NOTICE OF DECISION RENDERED  
FORWARDED TO APPLICANT.

REFER TO M. C. R.

(67, 1)



Choctaw MCR 6879

Phoebe Dobbs

MCR 6879

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, Indian Territory, March 9, 1903.

In the matter of the application of Phebe Dobbs for the identification of herself and her five minor children, Hattie, Jessie, Evie, Hobart and Sadie Dobbs as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Vesey.

Phebe Dobbs being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Phoebe Dobbs.  
Q P-h-o-e-b-e? A P-h-e-b-e-e is the way I always spelled it.  
Q D-o-b-b-s? A Yes, sir.  
Q What is your age? A Thirty six.  
Q What is your post office address? A Omaha, Missouri.  
Q How long have you lived at Omaha? A I've lived there, right in that settlement about eighteen years.  
Q Where did you live before that? A Right in the same county; I was raised there.  
Q What county is that in? A Douglas County, Missouri.  
Q Were you born and raised in Douglas County, Missouri and lived there all your life? A Yes, sir.  
Q Is your father living? A No sir.  
Q What was his name? A His name was W. J. Freeman.  
Q What does the "W" stand for? A William.  
Q Is your mother living? A Yes, sir.  
Q What is her name? A Rachel Jane Freeman.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One eighth.  
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or by the authorities of the United States? A No sir I think not. We claim through our grandmother Alabeath Ball, her name was before she married.  
Q How old is your father at this time? A My father would have been seventy six years old if he had lived; he's been dead four years.  
Q He would be seventy six if he was living? A Yes sir.  
Q Where were your father and mother married? A In Missouri, in Osark County Missouri.  
Q Were they married under a license? A No sir I think not.  
Q Who performed the marriage ceremony? A Bennet James.  
Q A minister of the Gospel? A Yes sir.  
Q Have you any evidence of that marriage with you at this time? A Yes sir they are on file here somewhere.  
Q Through which one of his parents did he claim his Choctaw blood? A Through his mother.  
Q What was his mother's name? A Her name was Alabeath.  
Q Is she living? A No sir.  
Q How old would she be if living at this time? A I don't know.

- Q Through which one of her parents did she claim her Choctaw blood? A Her mother I think.
- Q What was her mother's name? A Her mother's name was Tendergrass so I've always been told.
- Q What was Alabent's husband's name? A Aaron Freeman.
- Q He was a white man? A Yes sir.
- Q And she claimed her Choctaw blood through her mother you say?
- A Yes, sir.
- Q You are sure of that? A Yes sir.
- Q And her mother's name was what? A Tendergrass.
- Q What was her first name? A I don't know.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A James Dobbs.
- Q Is he living? A Yes sir.
- Q Is he a white man or Choctaw Indian? A White man.
- Q You make no claim for him? A No sir.
- Q Have you any children you want to make application for?
- A Yes sir I've got five children.
- Q All under twenty one years of age and unmarried? A Yes sir.
- Q What is the name of the oldest? A Hattie Dobbs.
- Q How old is she? A Thirteen years old.
- Q What is the name of the next? A Jessie.
- Q Boy or girl? A Girl.
- Q How old is Jessie? A Ten years old.
- Q What is the name of the next? A Fvie.
- Q E-v-i-e? A Yes sir.
- Q How old is Fvie? A Eight.
- Q What is the name of the next? A Hobart; he's five years old.
- Q What's the name of the next? A Andie; she's a year and a half old.
- Q You claim for yourself and five minor children? A Yes sir.
- Q Have you any children over age? A No sir.
- Q None married? A No sir.
- Q Is your name or the names of any of your minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir not as I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Neither for yourself or children? A No sir.
- Q Have you ever made application for yourself or children for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under act of Congress of June 10, 1899?
- A No sir I think not.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application of any kind you have ever made for yourself and children to be admitted to citizenship in the Choctaw Nation? A Yes sir.
- Q Do you come before the Commission to identify yourself and these five minor children as Mississippi Choctaws?
- A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830?
- A Yes sir.
- Q Do you understand that article? A I don't exactly I don't guess

The treaty of Red Wing Rabbit Creek was entered into in Mississippi on the 27th of September 1830 between the United States government and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws occupied a portion of the state

POOR ORIGINAL -  
BEST AVAILABLE COPY

of Mississippi and a small portion of the state of Alabama along the western boundary line; the object of the treaty was to secure the removal of the Choctaws from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river; part of which is now occupied by the Choctaw tribe of Indians and known as the Choctaw Nation Indian territory; at the time the treaty was made some of the Choctaws were unwilling to remove to the new country west of the Mississippi but preferred to remain in the old Nation in Mississippi or Alabama; for the benefit of this class of Indians the fourteenth article was put into the treaty; that fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that fourteenth article now.  
A Yes sir I've always been told my grandmother went back there and applied for land in that time but didn't get it.  
Q Your grandmother's name was Alabaeth Ball who married Aaron Freeman? Yes sir.  
Q Your grandmother Alabaeth Ball was head of a family in 1830?  
A Yes sir.  
Q She is the ancestor through whom you claim your right to identification as a Mississippi Choctaw? A Yes sir.  
Q Do you know whether Alabaeth Ball ever complied or attempted to comply with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek? I don't know; I just know she said she went back and applied for land to Colonel Ward and didn't get it; was beat out of it some way; I don't know how.  
Q Where was she living at the time she went back and applied for land? She was living in North Carolina I guess.  
Q And went from North Carolina to Mississippi? Yes sir.  
Q Was she born in North Carolina? I don't know whether she was born in North Carolina or Mississippi.  
Q How long had she been living in North Carolina before 1830 when that treaty was made? I don't know that either but she went back there in 1830; went back to Mississippi.  
Q She wasn't living in the old Choctaw Nation in Mississippi or Alabama when the treaty of Dancing Rabbit Creek was made?  
A I don't know whether she was or not. I don't know just where she lived.  
Q You stated a few moments ago that she was living in North Carolina; she couldn't have lived in two places at once.  
A I think she was living in North Carolina.

- Q Was she a recognized member of the Choctaw tribe of Indians in Mississippi or Alabama at that time? A I think so.
- Q You think she was a recognized member of the Choctaw tribe of Indians and still living in North Carolina? A I reckon she was; they claimed her for a Choctaw Indian.
- Q Who claimed her for a Choctaw Indian? A Everybody did that knew her.
- Q Did Alabazeth Freeman own any improvements at the time the treaty of 1830 was made upon what constituted the old Choctaw Nation in Mississippi or Alabama? A Not as I know of.
- Q Did she remove from the old Choctaw Nation in Mississippi to the present Choctaw Nation in the Indian territory at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A No sir she did not.
- Q Was she ever in the Choctaw Nation Indian territory? A No I don't guess she ever was.
- Q Did she within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government in Mississippi her intention to remain in Mississippi and become a citizen of the states as is provided in the 14th article of the treaty of Dancing Rabbit Creek? A I think she did.
- Q What makes you think she did. A I've always been told that.
- Q Who told you she signified her intention to Colonel Ward to remain in Mississippi? A There's been lots of people told me that she told them she did; I never seen my grand mother.
- Q Was your father born in Mississippi? A No sir he was born in North Carolina.
- Q Did he ever live in Mississippi? A No sir I don't think he did.
- Q Your father was born in the year 1827. A No sir my father was born in 1828, I think.
- Q And at the time you say your grandmother went to Mississippi and applied for land to the Indian agent the other members of her family didn't go with her? A No sir.
- Q She simply went there alone. A Her and my grandfather.
- Q Left the rest of the family in North Carolina. A Yes sir.
- Q And after they went to North Carolina? A Yes sir.
- Q Did Alabazeth Freeman ever receive any land in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek.
- A No sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who did signify to him their intention to remain in Mississippi and take land under article fourteen of the treaty of Dancing Rabbit Creek. On this account in many instances the land on which Indians had improvements and which they desired to have reserved for them under article fourteen was sold by the government at its public land sales and the Choctaws were deprived of their land; this caused a great deal of complaint and the matter was finally brought to the attention of Congress and Congress passed an act approved March 3 1837 and another act approved August



23 1842 providing for the appointment of commissions whose duty it should be to go to Mississippi and hear evidence where Choctaws claimed that though they had complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek they had been deprived of their land because of the failure of Colonel Ward to put their names upon his registry list.

- Q Did Alabeath Freeman appear before either of these commissions appointed under act of Congress approved March 3 1837 and August 23 1842 and attempt to establish her rights under article fourteen of the treaty of Dancing Rabbit Creek?  
A I don't know.

The act of Congress approved August 23 1842 provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830 and if it also further appeared that he had land in Mississippi which the government had taken from him that he should be entitled to select land in Mississippi Alabama Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him; these certificates were called scrip.

- Q Did Alabeath Freeman receive any of this scrip from the government of the United States as a Choctaw Indian? A I think not; if she did I never heard of it.  
Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians in Mississippi or Alabama? A I don't know.  
Q So far as you know did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir.  
Q Have you any witnesses you want to call? A No sir I guess not.  
Q Have you any relatives who have been before the Commission before this application made by you? A Yes sir.  
Q What are their names? A Freeman; all of the heirs of Alabeath Freeman; some is Freeman and some is other names.  
Q Did you ever hear that your grandmother was possessed of Cherokee blood? A No sir.  
Q Never heard any rumor of that in your family at all? A No sir I never heard a word of it.  
Q Have you any brothers living? A Yes sir.  
Q What are their names? A The oldest one's name is Rollins Freeman; the next one William J. Bennett Freeman; they have done registered.  
Q They have all been before the Commission? A Yes sir.  
Q Have you any sisters living? A Yes sir.  
Q What are their names.  
Q The oldest one's name Rebecca Freeman.  
Q Is Rebecca married? A Yes sir.  
Q Has she any children? A Yes sir.  
Q What are their names? A She married a Turnbull; I can't tell you about her children; I never have been with them enough to know; the next sister is Alabeath.  
Q Is she married? A Yes sir.  
Q Who did she marry? A Reese.  
Q Has she any children? A Yes sir.  
Q Do you know their names? A Yes sir.  
Q What are their names? A The oldest one's name is Paralee, a girl, the next one's named Rebecca, next one Charlie, next one Ester, and a girl Minnie and a boy Alvas and one Jack.

- Q Are any of these children married? A Yes sir the two oldest.
- Q Have they children? A Yes sir.
- Q Who did paralie marry? A A man named Bell.
- Q How many children has she? A She has four children; I don't know their names none but the oldest.
- Q What is the name of the other niece that's married? A She married a McDaniel.
- Q What's her name? A Rebecca.
- Q Has she any children? A Yes sir she has four; but I don't know their names, none but the oldest; her name's Lena.
- Q Has your father and brothers living? A No sir.
- Q Has he any brothers dead who left children? A Yes sir.
- Q What are these children named? A I can't hardly tell you all their names.
- Q Give us many as you can. A His oldest brother Dan Freeman, he has a son John and William and Thomas and one Set Freeman and one Aaron Freeman.
- Q These are the children of your father's brother? A Yes, sir, my uncle's children.
- Q What was the name of that brother? A Daniel Freeman.
- Q Are there any other of your father's brothers who left children? A Yes sir.
- Q What was his name? A Samuel Freeman.
- Q He has children? A He's dead.
- Q How many children did he leave? A I don't believe there's but two or three of them children living.
- Q Do you know their names? A Yes, sir; S.P. Freeman, John P. Turnbull is my father's sister's son and so is this one.
- Q How many sisters did your father have? A He had five sisters.
- Q Are any of them living? A No sir. John H. Bennight is his sister's son.
- Q Was your father the oldest child of Alabameth? A No sir.
- Q How much older than him was the oldest child? A I don't know; I guess about twenty five years; twenty or twenty five.
- Q What was that one's name? A The oldest girl was named Elizabeth; she married a man named Clinton.
- Q Do you know whether she was married before 1830? A No sir I don't think she was.
- Q Were any of your father's brothers or sisters married previous to 1830? A No sir I can't think they were.
- Q Have you any written evidence you desire to offer at this time in support of this application? A No sir.
- Q You will be allowed up to the 24th day of March 1903 in which to present any documentary or other evidence which you may have to offer in support of this application.
- Reference is made to the consolidation case of John H. Bennight et al. vs. the United States.

Examination by Mr. Wray:

- Q Have you ever been to North Carolina? A Yes sir.
- Q About what time did you go to North Carolina? A I don't know just about what time she did leave there but she left there some time about 1832 or 1833, three I guess.
- Q And went to Mississippi? A No sir she went to Mississippi about 1832 and then went back there and then moved to Missouri.
- Q You testified she was accompanied by her husband when she made this trip from North Carolina to Mississippi and later you testified she applied to Colonel Ward as the head of a family during this six months as allowed by the treaty. A That's what I've always been told.

Phebee Dobbs 8

- Q Was her husband living at that time? A Yes sir.  
Q You are sure of that are you? Yes sir.  
Q Have you ever heard when he died? A Yes sir; I've heard but I don't recollect just when he died.  
Q It was after 1830 was it? A Yes sir.  
Q Three or four years after that time? A Yes sir I guess he died about forty eight.  
Q You were asked the question in regard to the source of this information; is it a matter of family history -- call you have testified -- handed down from generation to generation -- the testimony you have given in this case? A Yes, sir.

By the commission:

- Q Is it a matter of family history that your parents left North Carolina about the year 1830 and came to Mississippi and stayed there some two or three months perhaps endeavoring to get land from the government and then returned to North Carolina? A Yes sir.  
Q They never maintained any residence in Mississippi that you know of? A No sir.  
Q Never lived in Mississippi -- never owned any property there?  
A Not as I know of.  
Q And were never recognized by the Choctaw Indians in Mississippi as members of that tribe? A I don't know anything about that; I never heard anything about that.  
Q You never heard that they were? A No sir nor that they were not.  
Q And you never heard that they were recognized by the government in Mississippi as members of the tribe? A No sir.  
Q And as a matter of fact don't you know that they could not have been because they never lived there? A Of course I don't know only what I've heard; I wasn't old enough to know about that only what has been told me.  
Q But you do know as a matter of family history that they never lived in Mississippi except the time they were there to register. If they did I never heard of it.  
Q And that was in a few months after the treaty of 1830 was made? A Yes sir.  
Q They were not living in Mississippi when the treaty was made?  
A No sir I think not.

This applicant has the appearance of being a white woman; has light gray eyes; light brown hair and has none of the characteristics of a Choctaw Indian.

- Q Do you speak the Choctaw language? A No sir.  
Q Did your father speak the Choctaw language? A No sir.  
Q Did your grandfather speak the Choctaw language? A I don't tell you whether he did or not.

Clara Mitchell Wood, being first duly sworn upon her oath states that she reported the above case on the 9th day of March 1903 and that the above statement is a full true and correct transcript of her deposition and notes of the proceedings in said case on said date.

Subscribed and sworn to before me this 11th day of March 1903.

*Charles H. Sawyer*

Notary Public.



M C R 6685

M C R 6713

M C R 6879 ✓

Muskogee, Indian Territory, May 11, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 7th instant, enclosing certified copy of marriage certificate between Richard Ingram and Nannie Hanks, offered in support of the Mississippi Choctaw case of Nannie Ingram, et al.

Also affidavits of John F. Turnbull and A. Sweeten, and certificate of John A. Spurlock, recorder of deeds, Douglas county, Missouri, offered in support of the Mississippi Choctaw case of Phoebe Debbs, et al.

Also certificate of marriage between Jasper Dickson Wake and Mary E. Freeman, offered in support of the Mississippi Choctaw case of Mary E. Wake.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

MUR 6879

Muskogee, Indian Territory, May 13, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 12th instant, enclosing joint affidavit of Rachel J. Freeman and W. J. Freeman, offered in support of the Mississippi Choctaw case of Phebe Dobbs, et al. The same has been filed with the record in this case.

Respectfully,

Commissioner in Charge.

COPY.

K. C. R. 6679.

Muskogee, Indian Territory, June 15, 1904.

Phoebe Dobbs,

Omaha, Missouri,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Hattie Dobbs, Jessie Dobbs, Evie Dobbs, Hobart Dobbs and Sadie Dobbs.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Registered.

*Tams Dixby.*

*Chairman*

M.C.R. 6879.

Muskogee, Indian Territory, May 8, 1905.

Phebe Dobbs,

Omaha, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

51  
6-19

No. 6879

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 9 1903

Date

Name

Phebe Dobbs

Age

36

Blood

1/8

Post Office,

Omaha, Mo.

Father:

William J. Freeman, D

Mother:

Rachel Jane " L

Claims through

father

Husband

James Dobbs  
(no claim for him)

Claims for self and,

five minor children

Children:

Lattie Dobbs 13

Jessie " 10

Erie " 8

Hobart " 5

Sadie " 1 1/2

Stenographer

Clara M. Coome

REFUSE

*Phoebe Dotts et al*

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

JUN 21 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DECISION  
ACTION APPROVED BY SECRETARY

MAY 11 1905

NOTICE OF  
FORWARDED

NOTICE OF DECISION  
FORWARDED ATTORNEY  
AND CHOCTAW AND CHICKASAW NATIONS.

6255

Choctaw MCR 6880

James Turnbull

MCR 6880

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, Indian Territory, March 9, 1903.

In the matter of the application of James Turnbull for the identification of himself and his four minor children Minnie Catherine, Walter Edward, George Harrison and Laura Ethel Turnbull as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicant, represented by Mr. Vesey.

James Turnbull being first duly sworn testified as follows:

Examination by the commission:

- Q What is your name? A James Turnbull. Now I am a little bit hard of hearing.
- Q What is your age? A Fifty one years old.
- Q What is your post office address? A Topas Douglas county Missouri.
- Q How long have you lived in Topas? A Well sir, I've lived there where I'm living now about twenty years.
- Q Where did you live before that? A In Douglas county.
- Q Never lived anywhere else; were you born and raised there?
- A I was born in Ozark County but it's Douglas County now.
- Q You never resided anywhere but in Missouri for any length of time? A Not over a year.
- Q You never lived in the Indian Territory? A No sir.
- Q Nor in Mississippi? A No sir.
- Q Is your father living? A No sir he's dead.
- Q What was his name? A Nicholas Turnbull.
- Q Was he a Choctaw Indian or a white man? A White man.
- Q Is your mother living? A No sir.
- Q What was her name? A Fachel Turnbull; maiden name Freeman.
- Q Was she a Choctaw Indian or a white woman? A Choctaw Indian.
- A Choctaw Indian; quarteroon, is what they claim for her.
- Q You claim your Choctaw blood through your mother? A Yes sir.
- Q How much Choctaw blood do you claim to possess? A One eighth.
- Q Through which of her parents did your mother claim her Choctaw blood? A Her mother.
- Q What was her mother's name? A Alabeath Ball.
- Q What was her married name? A Married a Freeman.
- Q How old would your mother be if living now? A About seventy three.
- Q How old would Alabeath Ball be if living now? A That's something I can't answer definitely; I suppose about a hundred years old.
- Q She was married and had a family in 1830 A Yes.
- Q She was married? A Yes sir.
- Q She was living in 1830 was sir? A Yes sir she was living in 1830 I've saw her myself.
- Q Where were your father and mother married? A In Ozark County Missouri.
- Q Have you any evidence of that marriage with you at this time



- Q Not with me; it's filed here in the office I suppose.  
Q Where was your mother born? A My mother was born in North Carolina.  
Q How long did she live in North Carolina. A Till she was about two or three years old I reckon; that's according to my understanding.  
Q Then where did she remove? A Came to Missouri.  
Q And lived in Missouri from that time to the time of her death?  
A Yes sir as far as I remember.  
Q Your mother never lived in Mississippi? A No sir.  
Q Where was your mother born? A My understanding has been that she was born in Mississippi but I wont say positive that she was.  
Q At what place in Mississippi? A I cant say.  
Q Was it within the limits of the old Choctaw Nation in Mississippi? A I cant say for certain about that.  
Q At what age did she move from Mississippi to North Carolina?  
A I cant tell you.  
Q How long did she live in North Carolina? A I cant tell you that.  
Q Did she ever live in Mississippi after the time you say you think she was born there and moved to North Carolina; did she ever after that remove again to Mississippi? A She went there in the year 1830.  
Q Went there in 1830? A Yes sir.  
Q But she didn't go to establish a residence and live there?  
A No sir.  
Q How long did she stay in Mississippi at that time? A I cant say; I suppose not over just a few days, is my understanding  
Q And then went to North Carolina. A Went to North Carolina, lived there from that time to the time she moved to Missouri  
Q Are you married? A I'm married, yes sir.  
Q What is your wife's name? A Matilda Nevels.  
Q Has your wife any Choctaw blood? A No sir  
Q When were you married? A Married in the year 1880.  
Q Where were you married? A Married in Douglas County Missouri.  
Q Who performed the marriage ceremony? A Alf Payne. A minister of the Gospel.  
Q Were you married under a license? A No sir.  
Q Have you any evidence of your marriage with you at this time.  
A No sir, there's the certificate from the clerk showing that the court house has been burned.  
Q Have you it here? A It's filed here.

It will be necessary that you furnish the Commission with proper evidence of your marriage to your wife if you can't obtain proper evidence you can present the evidence of witnesses who were present when you married.

- A I've got witnesses here who can make statements that they knowed us ever since we been married though they didn't see us married.  
Q Have you any children under twenty one years of age you want to make application for? A Yes sir.  
Q Give the names of those children? A Minnie Catherine.  
Q How old is she. A Fifteen years old.  
Q What is the name of the next? A Walter Edward.  
Q How old is Walter? A Thirteen, years old.  
Q The next? A George Harrison.  
Q How old is George? A Ten years old.  
Q The next? A Laura Ethel. Eight years old.  
Q Next? That's all.

- Q You are the father of these children? A I presume I am, sir.
- Q What's the name of their mother? A Matilda Turnbull. Her name was Nevels.
- Q Is your wife a white woman or a Choctaw Indian? A You asked that question and I told you she was a white woman.
- Q This application then is for yourself and four minor children?
- A Yes sir.
- Q Have you any children over age or married? A One.
- Q What's it's name? A Easter Lavada.
- Q How old is she? A Twenty one or two ; I will say twenty two.
- Q What's her name? A Turnbull.
- Q She's married now? A No.
- Q Is your name or the name of any of your children for whom you make application to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you or any one for you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A Alabeanth Ball did back in Mississippi.
- Q I'm talking about the Indian Territory now. A No.
- Q There has been no application made for you to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Did any one for you or for any of your minor children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Have you ever made application prior to this time for your self or your children to either the Choctaw tribal authorities or the authorities of the United States? A No sir never have.
- Q Do you appear before the commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory for yourself and these minor children under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indian concluded in Mississippi on September 27, 1830? A Yes sir.
- Q Do you understand article fourteen of the treaty of Dancing Rabbit creek? A I heard you read it a while ago.
- Q Do you think you understand it thoroughly? A I think I understand it tolerably well, yes sir.

Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove

are not to be entitled to any portion of the Choctaw annuity. "

- Q You think you understand that now do you? A Yes sir.
- Q What is the name of your Choctaw ancestor who was living in Mississippi in 1830 and had a family there then? A Alabeath Ball; her maiden name was Freeman.
- Q Did Alabeath Freeman ever comply or attempt to comply with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A My understanding is that she attempted to comply with it.
- Q To whom did she attempt to apply? A To Colonel Ward.
- Q In what manner? A By going there has been my understanding and telling him her business and was turned off; never got nothing.
- Q Was she living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made.
- A North Carolina was where she was living, was my understanding.
- Q Was she a recognized member of the Choctaw tribe of Indians at that time? A I can't tell you.
- Q Did she own improvements at that time upon what constituted the old Choctaw Nation in Mississippi or Alabama? A I think not.
- Q Did she move from the old Choctaw Nation in Mississippi to the present Choctaw Nation Indian territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir.
- Q Was she ever in the Choctaw nation in the Indian territory?
- A No sir I guess not.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government at that time their intention to remain in Mississippi and become citizens of the states as provided in article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir I guess not.
- Q If they had have received it you would have known it wouldn't you? A I guess I would.
- Q Did Alabeath Freeman ever receive any land there? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the United States; the records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did signify to him their intention to remain there and on this account the lands upon which Choctaws lived and had improvement was sold and they were deprived of their land; this action of the government caused many complaints among the Choctaws so that the government in order to right the wrongs done to the Choctaws appointed two commissions, one in 1837 and one in 1842 who went to Mississippi and heard claims of Choctaws who claimed that they had complied with article fourteen but had not received land thereunder.

- Q Did Alabeath Ball or Freeman appear before either of these commission appointed under the act of Congress approved March 3 1837 and August 23 1842 and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A She appeared before Colonel Ward.

- Q I'm asking now about two commissions, one in 1837 and one in 1842; did they appear before either of those commissions?

A No sir not that I ever heard of.

The act of Congress approved August 23 1842 provided that in case it should be finally determine that a Choctaw had complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek he should be entitled to select land in Mississippi Alabama Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him; these certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any scrip from the government of the United States under this act of Congress? A No sir not that I know of.
- Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians in Mississippi or Alabama? A Not that I know of.
- Q So far as you know did any of your ancestors ever receive any benefits as Choctaw Indians? A Not that I know of.
- Q Have you any witnesses before the Commission today you desire to introduce in support of this application? A No sir.
- Q Have you any written evidence you desire to offer at this time? A Not in my own case.
- Q Do you desire to offer evidence in support of your application at a later date? I might, yes sir.
- Q You will be allowed until the 24th day of March 1903 in which to introduce my evidence you may desire to introduce in support of your application.
- Q Are there any further statements you desire to make at this time? A No sir.
- Q Have you any brothers living? A Yes sir.
- Q What are their names? A John F. Turnbull; that's all the brother I got.
- Q Have you any sisters living? A Yes sir.
- Q What was her name? A Julitta Clinton.
- Q Have you any brothers dead who left children? A No sir.
- Q Have you any sisters dead who left children? A No sir.

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By Mr Vesey.

- Q In response to the question Mr Risteen asked you in regard to Alabeanh Freeman applying within six months from the ratification of the treaty, for registration, you first answered that she did and then when the question was put in a different form you said she didn't apply within six months. A Why, within six months, I didn't understand what he said; I'm a little hard of hearing and I didn't understand.
- Q It was your understanding that she did present herself before Colonel Ward for the purpose of telling him she intended to remain in Mississippi? A Yes sir.

This applicant has the appearance of a white man; shows no indications of being possessed of Choctaw blood; has dark brown hair; gray whiskers formerly sandy - where they?

A No sir, they was kinder dark color.

Dark blue eyes.

- Q Do you speak the Choctaw language? A No sir.

- Q Did your mother speak the Choctaw language? A No sir.  
Q Did your grandmother speak the Choctaw language? A No sir; she may have; I didn't hear her.  
Q You said in your testimony a while ago that you had seen your grandmother? A Yes sir I've seen her.  
Q What age were you when you saw her? A I was born in fifty two and she died in about sixty two.  
Q About ten years old? A Yes sir nine or ten years old.  
Q What was the appearance of your grandmother? A She was dark complected woman; very black eyes and very black hair.  
Q Was her hair straight? A Hair was straight sir.  
Q Did she have the appearance of being a Choctaw Indian?  
A I suppose she did.  
Q Did you ever see any Choctaw Indians? A I saw a few since I come out here; them's all I ever seen of full bloods; since I've been in this town.  
Q Did she have the appearance of these full bloods you have seen since you have been here? A Yes sir.  
Q You remember her appearance distinctly do you? A Tolerably well.  
Q What was her mother's name? A I cant tell you.  
Q Do you know whether she claimed her blood through her mother or father? A Through her mother is my understanding.  
Q You don't know her mother's name? A I do not.  
Q In what year were you married? A I was married the year of 1880, July 4th day.  
Q By whom were you married? A Alf Payne. A minister of the gospel.

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John F. Turnbull, a witness, being first duly sworn, testified in the foregoing cause as follows:

Examination by the Commission:

- Q What is your name? A John F. Turnbull.  
Q What is your age? A Fifty four.  
Q What is your post office address? A Omaha Missouri.  
Q What relation are you to the applicant James Turnbull.  
A Said to be a brother.  
Q Were you present at the marriage of Mr. Turnbull? A No sir, I, of course knew they was going to be married that certain day; I saw the minister who went to marry them but I didn't go to the wedding and I know they have lived together as man and wife from that date to the present date.  
Q How long have you known they have been living there?  
A Somewhere in the neighborhood of twenty or twenty five years.

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William A. Turnbull a witness, being first duly sworn testified in the foregoing cause as follows:

Examination by the Commission:

- Q What is your name? A William A. Turnbull.



- Q How old are you? A Thirty years old.  
Q What is your post office address? A Omaha Douglas County Missouri.  
Q Are you acquainted with the applicant James Turnbull? A Yes sir.  
Q What relation are you to him? A Uncle of mine.  
Q Are you the son of the last witness John F. Turnbull?  
A Yes sir.  
Q Do you know anything concerning the marriage of James Turnbull and his wife Matilda? A I've known them ever since I can recollect; I can recollect about when they were married when they came back from home; they were married at the other place.  
Q You were not present at the wedding? A No sir.  
Q Do you know that they have lived together as man and wife ever since that time? A Yes sir.  
Q They are still living as man and wife are they not? A Yes sir

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Phoebe Dobbs a witness being first duly sworn testified in the foregoing cause as follows:

Examination by the Commission:

- Q What is your name? A Phoebe Dobbs.  
Q How old are you? A Thirty six years old.  
Q What is your post office address? A Omaha Missouri.  
Q Are you acquainted with the applicant James Turnbull? A Yes sir  
Q Do you know anything concerning the marriage of James Turnbull and his wife Matilda Turnbull? A Yes sir; I can remember when they were married but I didn't see them.  
Q You were not present when they married? A No sir.  
Q Do you remember where and when it was? A No sir, I think it's been about twenty three or four years ago but I've known them ever since.  
Q Have they lived together as man and wife ever since that time?  
A Yes sir I never heard the marriage disputed in any way.  
Q What relation are you to the applicant James Turnbull?  
A Cousin.  
Q Your mother and he were brother and sister? A My father and his mother were brother and sister.  
Q People in the neighborhood regard them as living together as husband and wife? A Yes sir.

Reference is here made to the consolidated case of John H. Bennight M.C.R. 6255.

Clara Mitchell Wood being first duly sworn upon her oath states that she reported the above case on the 9th day of March 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case.

Subscribed and sworn to before me this 16th day of March 1903

*Charles H. Sawyer*

Notary Public.

M C R 6880  
M C R 7117

Muskogee, Indian Territory, March 28, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 24th instant, enclosing affidavit of Nancy Hawkins relative to the marriage of James Turnbull and Matilda Nevils, offered in support of the application made by James Turnbull for the identification of himself and minor children as Mississippi Choctaws.

Also certificate of marriage between Chester Harper and Leona Rowe offered in support of the application made by Chester Harper for the identification of himself and minor children as Mississippi Choctaws.

Said documents have been filed in the respective cases.

Respectfully,

Chairman.

COPY.

M. C. R. 6880.

Muskogee, Indian Territory, June 15, 1904.

James Turnbull,

Topaz, Missouri.

Dear Sir:-

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Minnie Catherine Turnbull, Walter Edward Turnbull, George Harrison Turnbull and Laura Ethel Turnbull.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,  
CHAIRMAN

Registered.

*Tams Bixby.*

*Chairman.*



M.C.R. 6880.

Muskogee, Indian Territory, May 8, 1905.

James Turnbull,  
Topaz, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Chocktaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

No. 6880

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 9 1903

Name James Turnbull  
Age 51 Blood 1/8

Post Office, Popay, Mo.

Father: Nicholas Turnbull, D

Mother: Rachel Turnbull D

Claims through Mother.

Wife, Matilda Turnbull.  
No claim for wife,

Children:

Minnie C. Turnbull 15

Walter E. Turnbull 13

George H. Turnbull 10

Laura E. Turnbull 8

Stenographer Clara M. Wood

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

**REFUSED**

*James Turnbull*  
DECISION RENDERED

JUN 15 1904

**NOTICE OF DECISION FORWARDED  
APPLICANT**

JUN 15 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

**RECORD FORWARDED DEPARTMENT**

JUN 15 1904

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

APR 21 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAY 19 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

Choctaw MCR 6881

Alabeth Johnson

MCR 6881

Department of the Interior  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory, March 9, 1903.

In the matter of the application of James Turnbull for the identification of Alabeth Johnson as a Mississippi Choctaw.

James Turnbull being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A James Turnbull.  
Q What is your age? A Fifty one years.  
Q What is your post office address? A Topaz, Douglas County Missouri.  
Q What is your object in appearing before the Commission at this time? A To represent Alabeth Johnson.  
Q What relation is Alabeth Johnson to you? A Cousin.  
Q How old is she? A She's sixty five years.  
Q What is her post office address? A Florilla, Missouri.
- Applicant here introduces statement of L.A. Smith M.D. as to the inability of Mrs Alabeth Johnson to appear before the Commission, accompanied by power of attorney signed by Alabeth Johnson to James Turnbull.
- Q How long has Alabeth Johnson lived at Florilla Missouri?  
A I will say twenty five years, something like that.  
Q Where did she live before that? A I think they came from Texas County to Douglas County where she now resides.  
Q Where was she born? A I cant tell you that.  
Q Was she born in Missouri? A Yes sir.  
Q Lived there all her life? A I think so.  
Q What was her father's name? A Henry Wood.  
Q Is he living? A No sir.  
Q What is her mother's name? A Sarah Wood, maiden name Freeman.  
Q Is she living? A No sir.  
Q Through which one of her parents does Alabeth Johnson claim Choctaw blood? A Her mother.  
Q How much Choctaw blood does she claim? A One eighth.  
Q Through which one of her parents did Sarah Wood claim her Choctaw blood? A Her mother.  
Q Alabeth Freeman? A Yes sir.  
Q How much Choctaw blood did Alabeth Freeman possess? A One half.  
Q Do you know through which parent Alabeth Freeman claims her Choctaw blood? A Her mother; it has been stated to me.  
Q Do you know her mother's name? A I do not.  
Q Is Alabeth Johnson married? A Yes sir.  
Q Is her husband living? A Yes sir.  
Q What is his name? A Aaron Johnson.  
Q Is Aaron Johnson living? A Aaron Johnson's living.  
Q Has Alabeth Johnson any minor children for whom you wish to make application? A No sir.  
Q Is Aaron Johnson a white man or Choctaw Indian? A White man.  
Q Has Alabeth Johnson any children ever ago or married?  
A Yes sir.  
Q What are their names? A Mosey, Henry, Monroe, Levey Jane, Sarah and Easter.  
Q Has Mosey any children? A Yes sir.

- Q How many? A I cant say; he's not living now.
- Q Has Henry any children? A Yes sir, he's got children, but he's not living now.
- Q Has Monroe any children? A One or two I expect; he's not living now.
- Q Is Lovey Jane married? A Yes sir; Miles Baldwin.
- Q Have they any children? A Have three I think.
- Q Do you know the names? A No I don't remember the names; I've heard them but I don't remember.
- Q Who is Sarah married to? A George Fields.
- Q Has she any children? A I guess she has; I never seen them though.
- Q Who did Ea ster married to? A Will Fortune.
- Q Have they any children? A I expect they have got two or three; they are living away from there .
- Q Has Alabeth Johnson's mother through whom you claim her right for identification as a Mississippi Choctaw ever been recognized as a Choctaw Indian or enrolled as one by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of. Do you speak of Alabeth Johnson's mother? Q Yes sir.
- A No sir.
- Q Is Alabeth Johnson's name on any of the tribal rolls of the Choctaw Nation in the Indian Territory ? A Not that I know of.
- Q Has she ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Has she ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under act of Congress of June 10, 1896? A No sir.
- Q Has she ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A I dont know.
- Q Is this the first application that has ever been made in her behalf for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you come before the Commission at this time for the purpose of making application for the identification of Alabeth Johnson as a Mississippi Choctaw? A Yes sir.
- Q Do you make this claim under article fourteen of the treaty of 1830? A Yes sir that's my understanding.
- Q Do you understand that article? A I think I do; you read it over two or three times you know.
- Q Do you think you understand it? A Yes sir.

Article fourteen of the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion

of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that article now? A I reckon I do.
- Q What is the name of the Choctaw ancestor through whom Alabeth Johnson claims her right to be identified as a Mississippi Choctaw? A Alabeth Ball.
- Q That's her mother? A No Sarah Wood; her name was Freeman.
- Q How old would Sarah Freeman be if living at this time?
- A I cant say for certain; up in eighty I guess.
- Q Do you know whether Alabeth Johnson had any older brothers or sisters? A Yes sir she had some older brothers and sisters than her.
- Q How old would the oldest be if living now? A Seventy two or three.
- Q How many brothers and sisters older than herself did Alabeth Johnson have? A I cant say.
- Q Don't know about how many? A Some three or four, maybe more than that; they are not living now.
- Q Do you know whether Henry Wood and Sarah Wood the parents of Alabeth Johnson were married in 1830? A They must have been married in 1830; something like that; they were married in North Carolina has been my understanding.
- Q And you think from your knowledge of the family that they were probably married before 1830? A Yes sir..
- Q Do you know whether Sarah Wood Alabeth Johnson's mother ever complied or attempted to comply in any way with the provisions of article fourteen of the treaty of 1830?
- A Not that I know of.
- Q Do you know where Sarah Wood was living in 1830? A North Carolina.
- Q And married and had a family at that time? A She was married at that time; Alabeth Johnson's oldest brother was born about 1830.
- Q Was Sarah Wood living in the old Choctaw Nation in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A No, she was living in North Carolina has been my understanding.
- Q Was she a recognized member of the Choctaw tribe of Indians at that time? A Not that I know of.
- Q Did Sarah Wood own any improvements at that time upon what constituted the old Choctaw nation in Mississippi or Alabama?
- A Not that I know of.
- Q Did Sarah Wood remove from the old Choctaw Nation in Mississippi to the present Choctaw nation in the Indian territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A She never come to this Indian territory.
- Q Did she ever live in the Choctaw nation Indian Territory?
- A No sir.
- Q Did Sarah Wood within six months from the ratification of the treaty of 1830 signify to the agent of the government in Mississippi her intention to remain there in Mississippi and become a citizen of the states as provided in article fourteen of the treaty of Dancing rabbit creek? A Not that I know of
- Q Did she ever claim or receive land in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of Dancing rabbit creek? A Not that I know of.
- Q As far as you knew Sarah Wood never lived in Mississippi?
- A Never lived in Mississippi that I know of.
- Q As far as you knew she never did and you know of no act of compliance on her part with the fourteenth article of the treaty of 1830? A No sir.



In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government directed and agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states; the records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did really signify to him their intention to remain and become citizens of the states; on this account in many instances the land in which Indians had improvements were sold by the government and Indians deprived of their land; this caused a great deal of complaint and Congress in 1837 and 1842 appointed Commissions who went to Mississippi and heard cases of Choctaw Indians who claimed they had complied with article fourteen of the treaty of Dancing Rabbit Creek but had been deprived of their land; these commissions heard a great many claims and made reports to Congress.

- Q Did Sarah Wood appear before either of these commissions appointed under act of Congress approved March 3 1837 and August 23 1842 and attempt to establish her rights under article fourteen of the treaty of Dancing Rabbit Creek?
- A Not that ever I heard of.

The act of Congress approved August 23 1842 provided that in case it should be finally determined that a Choctaw had complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but his land had been sold by the government he should be entitled to select land elsewhere in the states of Mississippi Alabama Louisiana or Arkansas and that a certificate to that effect should be given him; these certificates were called scrip.

- Q Did Sarah Wood ever receive any scrip from the government of the United States under this act of Congress? A Not that ever I heard of.
- Q So far as you know was Sarah Wood ever a recognized member of the Choctaw tribe of Indians in Mississippi or Alabama? A Not that I know of.
- Q So far as you know did she ever receive any benefits whatever as a Choctaw Indian? A Not that I know of.
- Q Have you any witnesses before the Commission today you desire to introduce in support of this application? A No sir.
- Q Have you any written evidence you desire to offer? A No sir.
- Q Do you desire to offer evidence at a later date? A It might be done.
- Q You will be allowed until the 24th day of March 1903 in which to introduce additional testimony in support of this application.
- Q Has Alabeth Johnson any brothers living? A Yes she has brothers living.
- Q What are their names? A Lorenzo Wood.
- Q How old is he? A Seventy two or three.
- Q Has he any children? A Yes sir he has several children.
- Q Do you know the names? A I might call two or three names.
- Q What are their names? A One's name is Henry, one Winnie and one Jim; that's all I know; there's a brother of Alabeth Johnson, Bill Wood or William whichever you please to call him.
- Q How old is he? A Sixty two I think.
- Q Has he any children living? A Yes sir.
- Q Do you know their names? A Yes sir, I think I do. Mary, Lowell John, Henry. There's another girl but I don't know her name.



- Q Is Mary married? A Yes sir she's married.  
Q Has she any children? A Yes sir she has some but I don't know their names.  
Q Has she any brothers or sisters dead who left children?  
A I think she has.  
Q Do you know anything about them? A No I don't know anything about them.  
Q Describe the personal appearance of Alabeth Johnson.  
A Well sir she has blue eyes and a little bit dark; a little dark complexion; hair is dark.  
Q What are her eyes? A Blue.  
Q Has she the appearance of a Choctaw Indian? A Why some, yes.  
Q What is there about her appearance that would lead you to think she looked like a Choctaw Indian? A Her hair principally  
Q Is her hair black? A Yes.  
Q Straight? A Yes.  
Q Long? A Tolerable long, yes.

By Mr Vesey:

- Q Have you ever heard where Sarah Freeman was married? A In North Carolina is my understanding.  
Q Do you remember when? A Not the exact date but it was bound to have been before 1830.  
Q What is this Johnson woman's age at the present time? A Sixty five.  
Q And the age of her oldest brother seventy two or three? A Yes.  
Q What was her mother's name Sarah Wood, maiden name Freeman.  
Q Have you ever heard that Sarah Freeman went to Mississippi about 1830? A No sir I never did.  
Q Never heard anything at all about that.  
Q Never did hear about that.  
Q She was living in North Carolina before that time? A Yes sir.  
Q Where did she go to from North Carolina? A To Missouri is my understanding; if she ever went to Mississippi to comply I never heard about it.  
Q She was born in North Carolina? A I don't remember; I think she was.

By the Commission:

- Q Does Alabeth Johnson speak the Choctaw language? A No sir.  
Q Did her mother? A I don't know; I never saw her; she died before I was born.

By Mr. Vesey:

- Q What relation was Sarah Freeman to Alabeth Freeman? A She was a daughter of hers.  
Q Alabeth Freeman's maiden name was Ball? A Yes sir.  
Q Where was Alabeth Ball living about the year 1830? A In North Carolina.  
Q At that time was she the head of a family? A She was a married woman.  
Q She was a married woman and her husband was living at that time? A Yes sir.  
Q Had she Choctaw blood? A She had Choctaw blood.  
Q Did she about the year 1830 leave North Carolina and go to Mississippi for the purpose of registering? A That's my understanding.  
Q And made known her intention to remain there if she got any rights? A I suppose she intended to remain there if she got

- Q Is Mary married? A Yes sir she's married.  
Q Has she any children? A Yes sir she has some but I don't know their names.  
Q Has she any brothers or sisters dead who left children?  
A I think she has.  
Q Do you know anything about them? A No I don't know anything about them.  
Q Describe the personal appearance of Alabeth Johnson.  
A Well sir she has blue eyes and a little bit dark; a little dark complexion; hair is dark.  
Q What are her eyes? A Blue.  
Q Has she the appearance of a Choctaw Indian? A Why some, yes.  
Q What is there about her appearance that would lead you to think she looked like a Choctaw Indian? A Her hair principally is her hair black? A Yes.  
Q Straight? A Yes.  
Q Long? A Tolerable long, yes.

By Mr. Vesey:

- Q Have you ever heard where Sarah Freeman was married? A In North Carolina is my understanding.  
Q Do you remember when? A Not the exact date but it was bound to have been before 1830.  
Q What is this Johnson woman's age at the present time? A Sixty five.  
Q And the age of her oldest brother seventy two or three? A Yes.  
Q What was her mother's name Sarah Wood, maiden name Freeman.  
Q Have you ever heard that Sarah Freeman went to Mississippi about 1830? A No sir I never did.  
Q Never heard anything at all about that.  
A Never did hear about that.  
Q She was living in North Carolina before that time? A Yes sir.  
Q Where did she go to from North Carolina? A To Missouri is my understanding; if she ever went to Mississippi to comply I never heard about it.  
Q She was born in North Carolina? A I don't remember; I think she was.

By the Commission:

- Q Does Alabeth Johnson speak the Choctaw language? A No sir.  
Q Did her mother? A I don't know; I never saw her; she died before I was born.

By Mr. Vesey:

- Q What relation was Sarah Freeman to Alabeth Freeman? A She was a daughter of hers.  
Q Alabeth Freeman's maiden name was Ball? A Yes sir.  
Q Where was Alabeth Ball living about the year 1830? A In North Carolina.  
Q At that time was she the head of a family? A She was a married woman.  
Q She was a married woman and her husband was living at that time? A Yes sir.  
Q Had she Choctaw blood? A She had Choctaw blood.  
Q Did she about the year 1830 leave North Carolina and go to Mississippi for the purpose of registering? A That's my understanding.  
Q And made known her intention to remain there if she got any rights? A I suppose she intended to remain there if she got

any rights.

- Q When she appeared before Colonel Ward was she refused permission to take her land? A That's my understanding.
- Q How long did she live in Mississippi after that refusal? A I expect she stayed there a few days.
- Q She went for that purpose? I don't know whether she lived there a few days or a few months.
- Q As a matter of fact you don't know how long she stayed there
- A It's my understanding she went there to register and then went back to North Carolina.

Reference is here made to the case of John H. Bennight H.C.R. 6255.

Clara Mitchell Wood being duly sworn upon her oath states that she reported the above case on the 9th day of March 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 10th day of March 1903.

*Charles McLawry*

Notary Public.

M C R 6881  
M C R 7045  
M C R 6688

Muskogee, Indian Territory, June 3, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 29th ultimo, enclosing the following:

Certificate of Recorder of Deeds, Douglas County, Missouri, offered in support of the Mississippi Choctaw case of Polly A. Wallace, et al.

Affidavit of Moses Johnson offered in support of the Mississippi Choctaw case of Moses F. Johnson, et al.

Affidavit of James Turnbull offered in support of the Mississippi Choctaw case of Alabeth Johnson.

The above mentioned documents have been filed in the respective cases.

Respectfully,

Commissioner in Charge.

COPY.

M. C. R. 6881

Muskegee, Indian Territory, June 15, 1904.

James Turnbull,

Florilla, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including Alabeth Johnson.

You are further notified that the applicant will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tame Dixby.*

Registered.

Chairman.

M.C.R. 6881.

Muskogee, Indian Territory, May 8, 1905.

Alabeth Johnson,  
c/o James Turnbull,  
Florilla, Missouri.

Dear Madam:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

53

No.

6881

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR- 9 1903

Date

Name

Alabith Johnson

Age

65

Blood

1/8

Post Office,

Florilla Mo.

Father:

Henry Wood

D

Mother:

Sarah Wood

D.

Claims through

mother

Husband: Aaron Johnson, L  
(no claim for him)

Children:

(Application by James  
Turnbull under power  
of attorney)

Stenographer

Clara M Wood.

*John Bull*  
R. 688  
RECEIVED  
**REFUSED**  
*Clara Th. Johnson*

DECISION RENDERED

JUN 15 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANT

JUN 15 1904

NOTICE OF DECISION MAILED ATTORNEYS  
FOR AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.  
AUG 1 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR

APR 21 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAY 5 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAY 11 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFER TO M.C.R.

6255



Choctaw MCR 6882

William A. Turnbull

MCR 6882

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, Indian Territory, March 9, 1903.

In the matter of the application of William A. Turnbull and his minor children Emmet C. and Myrtle Turnbull as Mississippi Choctaws.

Thomas & Harrison Attorneys for applicant, represented by Mr Vesey.

William A. Turnbull being first duly sworn testified as follows.

Examination by the Commission:

- Q What is your name? A William A. Turnbull.  
Q What is your age? A Thirty years.  
Q What is your post office address? A Omba Missouri.  
Q How long have you lived at Omba? A I've lived at that place about eleven or twelve years.  
Q Where did you live before that? A I lived in Douglas County.  
Q Were you born in the state of Missouri? A Yes sir.  
Q Always lived there? A Yes sir.  
Q Never made a home any place else? A In Arkansas a little while.  
Q Never made a home in the Indian territory? A No sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A John P. Turnbull.  
Q Is your mother living? A No sir.  
Q What was her name? A Sarah J. Turnbull.  
Q How old is your father? A About fifty four years old.  
Q Through which one of your parents do you derive your Choctaw blood. A Father.  
Q Where was your father born? A He was born in Missouri.  
Q Lived there all his life? A Yes sir.  
Q Through which one of his parents did your father claim his Choctaw blood? A His mother.  
Q What was his mother's name? A Rachel Turnbull; her maiden name was Rachel Freeman.  
Q Through which one of her parents did Rachel Turnbull claim her Choctaw blood? A Her mother.  
Q What was her mother's name? A Alabeth Freeman.  
Q How much Choctaw blood do you claim? A I claim one sixteenth.  
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the United States authorities?  
A No sir.  
Q Were your father and mother legally married? A Yes sir I guess they were.  
Q Where did they marry? A In Missouri; I don't know whether it was Clark or Douglas County.  
Q Where were they married? A I don't know.  
Q Who performed the marriage ceremony? A I don't know.  
Q Have you any evidence of that marriage with you at this time?  
A No sir.

It will be necessary that you furnish the Commission with the proper evidence of the marriage of your father and mother.

William A. Turnbull 2

- Q Through which parent did Alabeth Freeman claim her Choctaw blood? A I don't know.
- Q Do you know either of her parent's names? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Carrie Turnbull.
- Q Is she living? A Yes sir.
- Q Is she a white woman? A Yes sir.
- Q Have you any children living? A Yes sir.
- Q What are their names? A Emmet S Turnbull.
- Q How old is Emmet? A Four years old.
- Q Have you any other children? A One more.
- Q What's it's name? A Myrtle Turnbull.
- Q How old is Myrtle? A Two years old.
- Q You are the father of these children? A Yes sir.
- Q Carrie Turnbull is the mother? A Yes sir.
- Q These children are living with you at your home? A Yes sir.
- Q This application is for yourself and children - minor children? A Yes sir.
- Q Have you any evidence of your marriage with you? A Yes sir I've got evidence of my marriage.

Applicant here offers in evidence, marriage certificate issued by J.W. Bowers J.P. of Douglas County State of Missouri as to the marriage of William A Turnbull and Carrie Leturno, the same is filed, marked exhibit A and made part of the record in this case.

- Q Is your name or the names of any of your children for whom you make application to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory?
- A No sir.
- Q Did you or any one for you or for your minor children ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of that tribe?
- A No sir.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under act of Congress of June 10, 1896?
- A No sir.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself or any of your minor children to the Choctaw tribal authorities or the United States authorities to be admitted to citizenship as a citizen of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of obtaining rights in the Choctaw Nation under the provisions of article fourteen of the treaty of Dancing Rabbit Creek concluded between the United States government and the Choctaw Indians September 27 1830? A Yes sir.
- Q Do you understand the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within a reasonable

from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article do you? A Yes sir.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
- A My great grandmother.
- Q What was her name? A Alabeth Freeman.
- Q Your father is living? A Yes sir.
- Q How old is he? A Fifty four.
- Q Your father claims his Choctaw blood through which parent?
- A His mother.
- Q Is she living? A No sir.
- Q What was her name? A Rachel Turnbull.
- Q How old would she be if living now? A I don't know.
- Q Rachel Turnbull claimed her Choctaw blood through whom?
- A Her mother.
- Q Alabeth Freeman? A Yes sir.
- Q Do you know through which parent Alabeth Freeman claimed her Choctaw blood? A No sir.
- Q Did Alabeth Freeman ever comply or attempt to comply with that article fourteen of the treaty of Dancing Rabbit Creek?
- A I don't know.
- Q Did you ever hear that she did? A Yes sir I heard she did.
- Q Is it a matter of family history and tradition that Alabeth Freeman attempted to comply with that article? A Yes sir.
- Q Do you know how she attempted to comply with it? A No sir.
- Q Was she living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.
- Q Do you know where she was living at that time? A No sir.
- Q Have you ever heard? A Yes sir I've heard.
- Q Is it a matter of family history and tradition that she was living in the state of North Carolina at that time?
- A Yes sir.
- Q You have always understood she was living there at that time? A Yes sir.
- Q Was she a recognized member of the Choctaw tribe of Indians in 1830? A I don't know.
- Q If she lived in the state of North Carolina as your family history tells you she could not be a member of the Choctaw tribe of Indians could she? A I guess not.
- Q Did Alabeth Freeman own any improvements in 1830 upon what constituted the old Choctaw Nation in Mississippi and Alabama?
- A I guess not.
- Q Did she remove from the old Choctaw Nation in Mississippi to the present Choctaw Nation Indian Territory at the time of the removal of the great portion of the Choctaw tribe of Indians between the years 1831 and 1832? A No sir.

Q Did she ever remove? to the Choctaw Nation Indian Territory?  
A No sir.

Q Did she ever live in Mississippi? A I don't know.

Q Did Alabeth Freeman within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government in Mississippi her intention to remain there and become a citizen of the state as provided in article fourteen of the treaty of Dancing Rabbit Creek?

A I don't know whether she did or not; I heard she did.

Q What have you heard about her attempting to comply with that article? A I just heard she went.

Q Heard she came from North Carolina to Mississippi?

A Yes sir, went there and then came back.

Q How long did she stay in Mississippi? A I don't know.

Q Have you any idea? A No sir I don't know.

Q Did she ever claim or receive any land in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek?

A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the state; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who really did signify to him their intention to remain and take land under article fourteen of the treaty of Dancing Rabbit Creek; on this account the land of many Indians was sold by the government at its public land sales and the Choctaws were deprived of their land; this action of the government caused many complaints on the part of the Choctaws and in 1837 and 1842 Congress appointed commissions which went to Mississippi and heard complaints of Choctaws under article fourteen.

Q Do you know whether Alabeth Freeman ever appeared before either of these commissions and attempted to establish rights under article fourteen? A No sir I don't.

The act of Congress approved August 23 1842 provided that in case it should be finally determined that a Choctaw had attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select land in Mississippi Alabama Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him; these certificates were called scrip

Q Did Alabeth Freeman ever receive any such scrip from the government of the United States under this act of Congress?  
A I guess not.

Q So far as you know was Alabeth Freeman or any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians? A Not as I know of.

Q So far as you know did Alabeth Freeman ever receive any benefits whatever as a Choctaw Indian? A Not that I know of.

Q Have you any witnesses before the Commission today whom you desire to introduce in support of this application?  
A No sir.

Q Have you any written evidence you desire to offer at this time?  
A No sir.

Q Do you desire to offer evidence in support of your application at a later date? A Yes sir.



William A. Turnbull 5

- Q You will be allowed until the 24th day of March 1903 in which to introduce any testimony in support of your application that you may desire to offer.
- Q Are there any further statements you desire to make at this time in support of your application? A No sir.
- Q Have you any brothers living? A Yes sir.
- Q What are their names? A James L. Turnbull.
- Q What are the others? A Charlie Turnbull, Monroe Turnbull.
- Q These are your brothers? A Part of them are my half brothers.
- Q Any others? A Jack.
- Q Any others? A No sir.
- Q Any sisters living? A Yes sir; I've got many full sister living; I've got a half sister.
- Q By the same father? A Yes sir.
- Q What's her name? A May Turnbull.
- Q Is she living? A No sir.
- Q Are any of your brothers married? A Yes sir.
- Q Have they any children? A No sir.
- Q None of them have any children? A No sir.

This applicant has the appearance of a white man; brown hair; brown mustache; none of the features and characteristics of a Choctaw Indian and knows of no compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830; blue eyes.

By Mr. Vesey.

- Q When you were asked if Alabeth Ball had signified her intention to remain in Mississippi before Colonel Ward you replied I don't know; did you mean that you didn't know from your own personal experience or knowledge or do you know that your family history was to the effect that she did.
- A I said I didn't know because I don't know.
- Q As a matter of fact your family history and tradition is to the effect that she did signify her intention isn't it?
- A Yes sir I've heard that all the time.
- Q That has been handed down from generation to generation; you have heard it from your father? A Yes sir.
- Q Was Alabeth Ball the head of a family in 1830? A I guess she was; I don't know.
- Q Have you heard she was? A Yes sir.
- Q Have you heard furthermore about that time she went from North Carolina to Mississippi for the purpose of signifying her intention to remain in the state and take up a residence there? A Yes sir.
- Q Have you ever heard how long she remained in Mississippi after that time? A No sir I never heard.
- Q Have you heard that she was refused? A Yes sir.
- Q And signified her intention that way? A Yes sir.

By the Commission;

- Q It has been a matter of family history and tradition that your ancestor Alabeth Freeman through whom you claim your right to identification as a Mississippi Choctaw lived in North Carolina up until the time she went to Mississippi and claimed as you say, rights before Colonel Ward?
- A Yes sir.

- Q You understand she was living in North Carolina up to that time she went out there? A She went out there and claimed her rights and came back as I understand it.
- Q You don't know of any other time she ever lived in Mississippi?
- A No sir I don't know; I heard she did live in Mississippi but I don't know what time.
- Q At the time the treaty of 1830 was made she was not a resident of Mississippi and had not been for a long time? A I don't know.

By Mr. Vesey.

- Q When you were examined by Mr. Bristeen did you testify that the evidence of your father's marriage was on file? A Yes sir.
- Q It is on file with the Commission? A Yes sir.
- Q Has been filed previously? A Yes sir.

Reference is made to the consolidated case of John H. Pennight U.S.R. 6255.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 9th day of March 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 17th day of March 1903.

*Charles H. Sawyer*

Notary public.

COPY.

M. C. R. 6882.

Muskogee, Indian Territory, June 15, 1904.

William A. Turnbull,

Oma, Missouri,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on June 15, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John H. Bennight et al., including you and your minor children, Emmet S. Turnbull and Myrtle Turnbull.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

~~Wm. Bixby~~

Wm Bixby.

Chairman.

Registered.



M.C.R. 6882.

Muskogee, Indian Territory, May 8, 1905.

William A. Turnbull,  
Omaha, Missouri.

Dear Sir:

You are hereby notified that on the 21st day of April, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of John H. Bennight et al., of which decision you were advised by registered mail on the 15th day of June, 1904.

Respectfully,

Commissioner in Charge.

54

No.

6882

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 9 1903

Date

Name

William A Turnbull

Age

30

Blood

1/16

Post Office,

Omba, Mo.

Father:

John F. Turnbull, L

Mother:

Sarah, J. Turnbull &amp;

Claims through

Father.

Wife Carrie Turnbull L

(No claim for her)

Children:

Emmet <sup>L</sup> Turnbull 4

Myrtle " 2.

Applic for self & two  
minor children,

Monographer

Clara M. Wood.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

REFUSED

*William A. Turnbull*

DECISION RENDERED JUN 15 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

JUN 15 1904

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 15 1904

RECORD FORWARDED DEPARTMENT.

AUG 16 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

APR 21 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

MAY - 8 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

REFUSED

6255

@noctaw MCR 6883

Sarah Lanter

MCR 6883

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, Indian Territory, March 9, 1903.

In the matter of the application of J.D.Lanter for the identification of him two minor children Sarah and Jesse Lanter as Mississippi Choctaws.

M.C.Cobb Attorney for applicant.

J.D.Lanter being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A J.D.Lanter.  
Q What is your age? A Twenty eight.  
Q What is your post office address? A Jackson Kentucky.  
Q How long have you lived at Jackson Kentucky? A Twelve months.  
Q Where did you live before that? A Tottant Kentucky.  
Q Have you always lived in Kentucky? A Yes sir.  
Q Born and raised there? A Yes sir.  
Q What is your object in appearing before the Commission at this time? A To make application for my children.  
Q What are the names of the children for whom you wish to make application? A Sarah Lanter.  
Q How old is Sarah? A Seven years old.  
Q What is the name of the other one? A Jesse?  
Q Boy or girl? A Boy.  
Q How old is he - Jesse? A Five years old.  
Q These children claim their Choctaw blood through their mother A Yes sir.  
Q What was the name of their mother? A Mary.  
Q She's dead? A Yes sir.  
Q Was Mary Lanter the mother of the two minor children for whom you make application ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States?  
A No sir.  
Q Where was Mary Lanter born? A Born in Booth County Kentucky.  
Q Always lived in Kentucky? A Yes sir.  
Q Never lived in any other state? A No sir.  
Q What was her mother's name? A Adelaide Townsend.  
Q What was her father's name? A Newton Townsend.  
Q Through which parent did she claim Choctaw blood? A Through her father..  
Q Is Newton Townsend living? A Yes sir.  
Q How old is Newton Townsend? A Fifty three years old.  
Q What was his father's name? A Garrett Townsend.  
Q What was his mother's name? A Sallie.  
Q Are either of them living? A No sir.  
Q Through which parent did Newton Townsend claim his Choctaw blood? A Through his father.  
Q His father's name was Garrett Townsend? A Yes sir.  
Q How old would Garrett Townsend be if living now? A I don't know just exactly his age.  
Q Do you know when he was born? A No sir I don't know.

He was born in Kentucky.

- Q Always lived in Kentucky? A I don't think he always lived there but I think he was born there.
- Q Do you know whether he was married and had a family in 1830?
- A He was not.
- Q What was his father's name? A James Townsend
- Q What was his mother's name? A I know the name but I've forgotten it.
- Q Through which parent does Garrett Townsend claim his Choctaw blood? A Through his mother.
- Q Don't you remember the name? A I've heard it spoken many times but I've forgotten it just at present.
- Q The wife of James Townsend would be the great great grand mother of these children wouldn't she? A Yes sir.
- Q You don't know her name? A I know it but I've forgotten it.
- Q Were James Townsend and his Choctaw wife married prior to 1830? A I don't know.
- Q Do you know who the ancestors of these children was who was living and the head of a family in 1830? A I've been taught it as Lewis Roberson.
- Q What relation was he to the wife of James Townsend? A Her father.
- Q Do you know how old James Townsend would be if living now? A No sir I don't know exactly.
- Q Newton Townsend is Fifty three? A Yes sir.
- Q And his father was born prior to 1830 was he? A Yes sir.
- Q What was his father's name? A Garrett Townsend.
- Q Garrett Townsend was born prior to 1830 was he? A He must have been.
- Q Then the mother of Garrett Townsend whose name you can't now remember would be the ancestor of these children who was living in 1830 and had a family at that time? A I don't know about that.
- Q Are the names of these children for whom you make application today found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did any one ever make application to the Choctaw tribal authorities in the Indian Territory for their enrollment as members of that tribe? A No sir.
- Q Did any one in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for these children under the act of Congress approved June 10, 1896? A No sir not that I know of.
- Q Have these children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory.
- A No sir.
- Q Has any person ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States for these children to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before this commission for the purpose of claiming rights in the Choctaw lands in the Indian Territory for these or minor children under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians concluded at Dancing Rabbit Creek in Mississippi on September 27, 1830?
- A Yes sir.
- Q How much Choctaw blood do you claim for these children?
- A Their mother was supposed to be one thirty second part.
- Q You claim for them one sixty fourth? A Yes sir.

- Q Do you understand the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know that I fully understand it.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September 1830 between the United States government and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line; the object of the treaty was to secure the removal of the Choctaws from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the Choctaw tribe of Indians and known as the Choctaw Nation Indian Territory; at the time the treaty was made some of the Choctaws were unwilling to remove to the new country west of the Mississippi river but preferred to remain in what constituted the old nation; for the benefit of this class of Indians the fourteenth article was put into the treaty; that article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon allodial lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand this article? A Yes sir; I think I understand it.  
Q You understand the meaning of it? A Yes sir, partly.

The fourteenth article required that in case a Choctaw desired to remain in Mississippi and receive land from the government under its provisions he should within six months after the treaty was ratified signify to the agent his intention to do so - that is he must let the agent know that he desired to remain in Mississippi and take advantage of article fourteen of the treaty of Dancing Rabbit Creek. The treaty was ratified on the 34th day of February 1831; now after a Choctaw had signified his intention to remain he was entitled to a reservation of one section of 640 acres of land to be bounded by sectional lines of survey; if he had a child in his family over ten years of age that child was entitled to 320 acres; if he had a child under ten years of age that child was entitled to 160 acres the reservation of the children to adjoin the location of the parent and these reservations to include the improvement of the head of the family on the date the treaty was made, on the 27th day of September 1830; the fourteenth article required that these Choctaws live on this land for six years from the 34th day of February 1831 and he was entitled under that article to a grant in fee simple for the land; the last clause of that

fourteenth article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That clause means that in case a Choctaw preferred to stay in Mississippi and become a citizen of the states and receive land under article fourteen he should not by so doing forfeit his right to citizenship in the Choctaw Nation Indian territory but could not share in the annuities; the annuities were moneys which became due annually to the Choctaw tribe of Indians under different treaties.

- Q Do you think you now understand the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek?
- A No sir. I don't thoroughly understand it of course.
- Q What is there about it you don't understand?
- A There might be something that I don't thoroughly understand; I'm satisfied as far as that is concerned I understand the outside lines of what you have read; yet there might be some technic about it I wouldn't thoroughly understand.
- Q You think you understand the article well enough to claim under it? Well yes, sir; I do that.
- Q What is the name of the Choctaw ancestor of these two minor children who was married and the head of a family in 1830 at the time this treaty was made? A I don't know.
- Q These children claim their Choctaw blood through their mother? A Yes sir.
- Q How old would she be if living now? A Twenty six years old.
- Q She claimed her Choctaw blood through her father? A Yes sir.
- Q How old is he? A Fifty three.
- Q His name is what? A Newton Townsend.
- Q Newton Townsend claimed his Choctaw blood through which parent?
- A His father.
- Q How old would Garrett Townsend be if living now? A He would be seventy eight or seventy nine; I will say seventy eight; I'm not positive about that; but he would be somewhere about that.
- Q Through which parent did Garrett Townsend claim his Choctaw blood? A His mother.
- Q Do you know her name? A No sir.
- Q If Garrett Townsend would be seventy eight years old his mother must have been married and had a family prior to 1830 and would be the ancestor through whom these children must claim the right to identification as Mississippi Choctaws. Yes sir.
- Q Do you know whether James Townsend's wife whose given name you do not know ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't think she did. I've heard it said -- I've always heard it said that James Townsend went to Mississippi and stayed some length of time after looking about some land for his wife.
- Q Do you know when that was? A No sir I don't know.
- Q Do you know where James Townsend and his wife were living in 1830? A No sir.
- Q Do you know where James Townsend's wife was born?
- A No sir. I don't know.
- Q Do you know whether they ever lived in the state of Mississippi?
- A Yes sir I've been told they lived in the state of Mississippi.



- Q In what part of the state of Mississippi? A I do not know.
- Q Do you know whether she was living in the state of Mississippi in the old Choctaw Nation in the year 1830 when this treaty was made? A No sir I don't think she was.
- Q Do you know whether she was a recognized member of the Choctaw tribe of Indians at that time? A No sir I don't.
- Q Do you know whether she owned improvements at that time upon what constituted the old Choctaw Nation in Mississippi or Alabama? A No sir.
- Q Do you know whether James Townsend's wife removed from the Choctaw Nation in Mississippi to the Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir.
- Q Do you know whether she ever lived in the Choctaw Nation Indian Territory? A No sir never did.
- Q Did James Townsend's wife within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent for the government her intention to remain in Mississippi and become a citizen of the states under the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Did she ever claim or receive any land in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek.
- A I don't know.

In accordance with the provisions of the fourteenth article the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who did really signify to him their intention to remain in Mississippi and take advantage of article fourteen of the treaty of Dancing Rabbit Creek; on this account in many instances the land on which Indians had improvements was sold by the government at its public land sales and the Choctaws were deprived of the land; this action of the government caused many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress in 1837 by act of Congress passed March 3rd of that year and in 1842 by act of Congress approved August 23 1842 appointed commissions which commissions went to Mississippi and heard the claims of Choctaw Indians who claimed that they had complied with article fourteen of the treaty of 1830 but had received no benefits thereunder; these commissions went to Mississippi and heard the complaints of a great many Choctaws.

- Q Do you know whether James Townsend's wife through whom you claim for these children the right to identification as Mississippi Choctaws appeared before either of these commissions appointed under act of Congress approved March 3 1837 and August 23 1842 and attempted to establish her rights under article fourteen of the treaty of Dancing Rabbit Creek?
- A No sir; I don't know.

The act of Congress approved August 23 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government; he should be entitled to select land in the states of Mississippi Alabama Louisiana or Arkansas to be taken from vacant government land and that a certificate to that effect should be given him.

These certificates were called scrip.

- Q Did James Townsend's wife ever receive any scrip from the government? A No sir not that I know of.
- Q So far as you know was James Townsend's wife a recognized member of the Choctaw tribe of Indians? A No sir not as far as I know.
- Q Did she ever receive any benefits as a Choctaw Indian, A No sir.
- Q Have you any witnesses before the Commission today? A No I have no witnesses.
- Q Have you any written evidence you desire to offer? A No sir.
- Q Have any other members of your family appeared before the Commission to make application to be identified as Mississippi Choctaws? A Yes.
- Q What are their names? A W.B. Bush. Mary Davis, Lina Fortune

This case will be consolidated with the case of Mary Davis M.C.I. 6861.

- Q Was your wife any brothers living? A Yes sir.
- Q What are their names? A Allen Townsend. Fielding Townsend Jesse Townsend Jerry Townsend.
- Q Any sisters living? A Yes sir.
- Q What are their names? A Mattie Foshier. Leenie Townsend.
- Q She's not married? A No sir.
- Q Are any of her brothers married? A Yes sir.
- Q Have they any children? A Yes sir.
- Q Are they all married? A Yes sir.
- Q How many children has Allen? A Four children.
- Q Do you know the names? A Courtney Townsend, Nannie Green Townsend, Fema Townsend, Beulah Townsend.
- Q What's the next brother of your deceased wife? A Fielding Townsend.
- Q Is he married? A Yes sir.
- Q Any children? A Yes sir.
- Q What are their names? A Johnnie, Cora Lee, Har, and Jack.
- Q What's the next brother? A Garrett; W.G. Townsend.
- Q How many children has he? A Three.
- Q Do you know the names? A I know two of them.
- Q What are their names? A James and Ruth.
- Q Is that the last brother? A No there's another one; Jesse; he has one child, Willie.
- Q What's her sister's name? A Mattie Foshier; she has one child Clara.
- Q Are any of the brothers of your wife's father living? A Yes sir, now, Francis, Shelby, George, Nick, Sydney Townsend
- Q And sisters? A No sir.
- Q Do you know the names of the children of these brothers of your wife's father? A Well I guess I've been told a great many of them; there's a great big generation of them.
- Q Have any of them appeared for identification? A No, there will be some of them to apply.
- Q What was the physical appearance of your deceased wife? A She had dark hair; dark eyes; dark complexion.
- Q Have you ever seen any Choctaw Indians? A No sir not until the last week.
- Q Did she have the appearance of a Choctaw Indian? A No sir; she had dark hair.

By Mr. Cobb:

- Q You stated that you had forgotten the name of James Townsend's wife, was her name Susan? A Yes sir; that was her name; that's what I've heard.

- Q Is Susan Townsend the Choctaw ancestor through whom you claim the rights of these children to be identified as Mississippi Choctaws or is it Susan Townsend's father Lewis Roberson?
- A Susan Townsend's father Lewis Roberson.

By the Commission:

- Q You have testified in your examination that Susan Townsend was married and the head of a family in 1830 have you not?
- A I testified that I didn't know that she was.
- Q You testified that her son Garrett Townsend was seventy eight years old at the present time? A Yes sir.
- Q Have you evidence of your marriage to your wife? No
- I haven't got my marriage certificate; I can get it.
- Q Have you any evidence of the marriage of your wife's parents?
- A No sir.

It will be necessary that the Commission be supplied with evidence of the marriage of the parents of your wife.

Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the above case on the 9th day of March 1903 and that the above and foregoing is a full true and correct transcript of her stenographic notes of the proceedings in said case on said date.

*Clara Mitchell Wood*

Subscribed and sworn to before me this 17th day of March 1903.

*Charles H. K. ...*

Notary Public.

M C R 6883

Muskogee, Indian Territory, November 12, 1903.

M. S. Cobb,

Attorney-at-Law,

Hot Springs, Arkansas.

Dear Sir:

You are hereby advised that the Commission has this day notified J. D. Lanter that he will be allowed thirty days from this date in which to submit further evidence in support of the application of his two minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6883

Muskogee, Indian Territory, November 12, 1903.

J. D. Lanter,

Jackson, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of your two minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

COPY.

M.C.R. 6883

Muskogee, Indian Territory, September 16, 1904.

J. D. Lanter,

Jackson, Kentucky.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of your two minor children, Sarah Lanter and Jesse Lanter.

You are further advised that said applicants will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tame Dixey.*

Chairman.

Registered.

MCR-6883

Muskogee, Indian Territory, October 5, 1906.

J. D. Lanter,  
Jackson, Kentucky.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of September 16, 1904, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Henry C. Townsend et al., of which the application made by you for the identification of your two minor children, Sarah and Jesse Lanter, is a part.

Respectfully,

Commissioner.

6883

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 9 1903

Name <sup>Date</sup> J. D. Lanter

Age 28 Blood 1/64.

Post Office, Jackson, Kentucky

Father: of Children - J. D. Lanter

Mother: " " Mary " D.

Children Claims through mother 1/32.

Applies for his two  
minor Children

Children:

Sarah Lanter 1/64 7.  
Jesse Lanter 1/64 5.

Monographer Clara Mitchell



FOR IDENTIFICATION AS R. 68  
A MISSISSIPPI CHOCTAW.

*Sarah Lauter et*

DECISION RENDERED SEP 16 1904

REFUSED. SEP 16 1904

NOTICE OF DECISION FORWARDED  
APPLICANT SEP 16 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS. SEP 16 1904

RECORD FORWARDED DEPARTMENT. OCT 10 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.  
SEP 19 1906

OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT OCT - 5 1906  
OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANTS OCT - 5 1906

DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW,  
AND CHICKASAW NATIONS. OCT 5 1906

RECEIVED T. M. C. R. 7004

Choctaw MCR 6884

Margaret Lawson

MCR 6884

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 10, 1903.

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In the matter of the application of C. C. Hanks, attorney for the identification of Margaret Lawson and her six minor children, Nancy M., Clemmy A., William J., Alley, John W. and Ada J. Lawson, as Mississippi Choctaws.

S. Heard attorney for applicants.

C. C. Hanks being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A C. C. Hanks.  
Q How old are you? A Fifty-seven.  
Q What is your post office address? A Campton, Kentucky.  
Q Are you an applicant to this commission for identification as a Mississippi Choctaw? A Yes, sir.  
Q What is your purpose in appearing at this time? A I appear with a power of attorney for Margaret Lawson and her children.  
Q Have you a physician's certificate of the inability of Margaret Lawson to make application? A Yes, sir.

Applicant offers this duly executed power of attorney of Margaret Lawson, the same being executed before Joseph Lykins a notary public of Wolfe county Kentucky March 2, 1903, said power of attorney constitutes C. C. Hanks her attorney in fact and empowers him to present her application for the identification of herself and six minor children as Mississippi Choctaws; same is filed, marked exhibit "A" and made a part of the record in this case.

There is also filed the certificate of Will Swango M.D. to the effect that Margaret Lawson is physically unable to make personal appearance before the Commission to the Five Civilized Tribes. Said certificate is dated 2d March 1903 and executed before Joseph C. Lykins, Notary Public, Wolfe County, state of Kentucky on same date. Same marked exhibit "B" and made a part of the record in this case.

- Q How old is Margaret Lawson? A Thirty-two years old.  
Q How much Choctaw blood does she claim? A One-eighth.  
Q What is her post office address? A Toliver, Kentucky.  
Q How long has she lived in Kentucky? A All her life.  
Q Born there? A Yes, sir.  
Q Is her father living? A Yes, sir.  
Q What is his name? A Albert B. Landrum.  
Q How old is he? A Fifty-eight.  
Q Is her mother living? A Yes, sir.

- Q What is her name? A Nancy J. Landrum.
- Q How old is she? A Fifty-four.
- Q Through which parent does she claim her Choctaw blood? A Through her mother.
- Q Where was her mother born? A Born in Kentucky.
- Q Has she ever lived any where else? A No, sir.
- Q Is she living in that state at the present time? A Yes, sir.
- Q Is she married, Margaret Lawson? A Yes, sir.
- Q Is her husband living? A Yes, sir.
- Q What is her name? A Abe Lawson.
- Q Is he a white man? Yes, sir.
- Q Makes no claim to Indian blood? A No, sir.
- Q Give the names and ages of Margaret Lawson's children? A Nancy M. Lawson.
- Q Age? Ten.
- Q Next? Clemmey A. Lawson, age nine years. William J. Lawson, age eight. Alley Lawson, age six. John W. Lawson, age five. Ada J. Lawson, age one.
- Q Is Margaret Lawson the mother of these children? A Yes, sir.
- Q And is Albert Lawson the father? A Yes, sir.
- Q Is the name of Margaret Lawson on any of the tribal rolls of the Choctaw Nation, Indian Territory, with any of her children? A No, sir.
- Q Did she or any one for her or for her minor children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No, sir.
- Q Did she or any one for her or for her minor children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Has she or any of her minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Has she ever made application prior to this time for herself or any of her minor children to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No, sir.
- Q Do you appear at this time before the Commission for the purpose of making an application for the identification of Margaret Lawson and her six minor children as Mississippi Choctaws claiming rights in the Choctaw lands, Choctaw Nation Indian Territory under the provisions of the fourteenth article of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830? A Yes, sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi September 27, 1830. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to the new country west of the Mississippi River, which is now the Choctaw Nation Indian Territory. At the time the treaty was made a great many of the Choctaws objected to removing

to the new country and for the benefit of that class of Indians article 14 was made a part of the treaty.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is article fourteen of the treaty of 1830. That article required in case a Choctaw elected to remain in the old Choctaw Nation and take land under its provision he should within six months from the date the treaty was ratified by Congress, which was done February 24, 1831, appear before the government agent in the Choctaw Nation and let him know he wanted to remain there and take land under this article; after having done that he was as head of a family entitled to one section of 640 acres and for each child in his family over ten years of age and unmarried he was entitled to one-half section or 320 acres and for each child in his family under ten years of age he was entitled to one-quarter section of 160 acres of land; the reservations of the children to adjoin the reservations of the parent and to include any improvements owned by the head of the family September 27, 1830. That article also required that as after a Choctaw had received his land he should remain upon same for five years after which time the government would issue a patent to the same and which enabled the Indian to dispose of his land at his pleasure. The last clause of the treaty concludes as follows: "Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any of the Choctaw annuity." That means that in case a Choctaw remained in the old Choctaw Nation took his land there if he ever removed to the Choctaw Nation Indian Territory was also entitled to Choctaw citizenship there, but he would forfeit any rights to the annuity.
- Q That is article 14 and an explanation of it. Is that the article under which you make your claim? A Yes, sir.
- Q What is the name of the ancestor through whom Margaret Lawson claims a right for herself and children to be identified as Mississippi Choctaws? A John Harper and his wife Polly or Mary Ann.

- Q She gets her blood from her mother Nancy J. Landrum? A Yes, sir.
- Q What is the name of her mother's father? A James Cox.
- Q What is the name of her mother's mother? A Annie Cox.
- Q Which one was Choctaw? A Annie Cox.
- Q What was Annie Cox's father's name? A Fielding Hanks.
- Q What was her mother's name? A Lydia Hanks.
- Q What was Lydia's father name? A John Harper.
- Q And John Harper's wife was named what? A Mary Ann or Polly Ann Harper.
- Q How much Choctaw blood was John Harper possessed of? A Fubb blood.
- Q And his wife? A Full blood.
- Q Was James Cox and his wife married and head of a family in 1830? A I don't know.
- Q Was Fielding Hanks and his wife living and married and head of a family in 1830? A Yes, sir.
- Q Can you give the names of the Choctaw ancestors of Margaret Lawson who resided in the old Choctaw Nation in Mississippi or Alabama in 1830 at the time this treaty was made? A No, sir.
- Q Can you give the name of her Choctaw ancestor who was a recognized citizen in the old Choctaw Nation in 1830 when this treaty was made? A No, sir.
- Q Do you know whether any of her Choctaw ancestors owned any improvement in the old Choctaw Nation in Mississippi or Alabama September 27, 1830? A No, sir.
- Q Do you know any of her Choctaw ancestors who removed from the old Choctaw Nation in Mississippi or Alabama between the years 1837 and 1837 to the Choctaw Nation Indian Territory at the time of the removal of the treater portion of the Choctaws to the Choctaw Nation Indian Territory? A No, sir.
- Q Do you know whether any of her ancestors within six months from the 24th of February 1831 appeared before the government agent in the old Choctaw Nation and signified their intention to take land under article 14? A I understand John Harper did.
- Q What is your understanding as to what he did? A He left there in the fall of 1830, went there and came back in the fall of 1831.
- Q Have you any proof that he made an application before the agent? A There has been proof filed in the case of Jasper Crouch, there has been or will be.
- Q Do you know what that proof consists of? A It states that he appeared before commissioner Ward and signified his intentions and was refused.
- Q Did John Harper reside in the old Choctaw Nation in 1830? A No, sir.
- Q Were he or his wife recognized members of the Choctaw tribe of Indians September 27, 1830? A I don't know.
- Q What do you know about John Harper's residence in the old Choctaw Nation? A I understand he lived in Mississippi before he went to Kentucky.
- Q Do you know what year he went to Kentucky? A No, sir.
- Q You don't know Fielding Hanks and his wife were married and head of a family in 1830? A Yes, sir.
- Q Where did they live? A In Kentucky.
- Q Do you know whether Lydia lived in the old Choctaw Nation in Mississippi or Alabama? A I don't know whether she did or not.



- Q Did any of her Choctaw ancestors ever receive any land from the government under article fourteen? A I don't know.

In accordance with the provision of article fourteen the government directed an agent in the old Choctaw Nation in Mississippi and Alabama to register the names of all those Choctaws who wanted to remain there and take lands. The records of the government show that the agent neglected to register a great many names of those who so signified their intention and as a result their lands was sold by the government at its public land sales. This caused a great many complaints on the part of these Choctaws and these complaints finally reached Congress and Congress authorized Commissions to go into the old Choctaw Nation and investigate these claims. Some of these claims were allowed and others were rejected; of the cases allowed after the approval by the Secretary of War and the President it was found that the lands were not sold the lands were given to the Indian, if however the lands had been sold scrip was issued. This scrip was issued by an act of Congress approved August 23, 1842. Under this scrip Choctaws holding the same could locate on government lands in the states of Mississippi, Alabama, Louisiana or Arkansas.

- Q Do you know whether any of her Choctaw ancestors appeared before either of these two commissions and tried to establish a claim under article 14? A No, sir.
- Q Did any of them ever receive any scrip issued under the act of Congress approved August 23, 1842 for rights which they claimed had been sold? A No, sir.
- Q So far as you know then Margaret Lawson's ancestors have never received any benefits as Choctaw Indians? A No sir.
- Q Have you any witnesses you want to introduce before the Commission today? A No, sir.
- Q Have you any documentary evidence you want to file?

Applicant offers certified copy of the marriage record between Albert Lawson and Margaret Landrum; the same is filed marked exhibit "C" and made a part of the record in this case.

- Q Is Margaret Lawson related to you in any way? A second cousin.
- Q Do you desire her case consolidated with and made a part of the case of those other applicants claiming descent from John Harper? A Yes, sir.
- Q Does Margaret Lawson speak or understand the Choctaw language? A No, sir.
- Q What color is her hair? A light.
- Q Eyes? A Blue.
- Q What is her complexion? A Fair complexioned.

Attorney for the applicant testifies that he has no knowledge of the names any of the Choctaw ancestors of this applicant having received any benefits from the United States government as Choctaw Indians. He testifies that there is a family tradition that John Harper in the year 1830 left Kentucky in which state he was then residing to make an application before the United States Indian Agent Colonel Ward in the old Choctaw Nation in Mississippi for registration as a Choctaw claiming

6884-6

rights to land under the provisions of the Choctaw treaty of 1830.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 10, ~~1893~~ 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said case on said date.

Subscribed and sworn to before me this 1st day of April 1908.

*Chas. Diffendaffer*

*Charles H. Sawyer*  
Notary Public.



Muskogee, Indian Territory, November 6, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified C. C. Hanks and Margaret Lawson that they will be allowed thirty days from this date in which to submit further evidence in support of the application of Margaret Lawson, et al., for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

A

Chairman.

M C R 6884

Muskogee, Indian Territory, November 6, 1903.

C. C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Margaret Lawson and her minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R.6884.

Muskogee, Indian Territory, March 21, 1904.

Margaret Lawson,

Toliver, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your minor children Nancy M., Clemmy A., William J., Alley, John W., and Ada J. Lawson, was made a part, refusing said application.

You are further advised that a copy of such decision has been furnished your attorney of record, S. Heard, Esq., of Tishomingo, Indian Territory; that the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney of record, to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R.6884.

Muskogee, Indian Territory, June 26, 1905.

Margaret Lawson,

Ipiliver, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 19th day of March, 1904.

Respectfully,

Chairman.

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No. 6884

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 1 1900

Name Margaret Lawson

Age

32

Blood

1/8

Post Office,

Joliver

Ky

Father:

Albert B. Landrum

✓

Mother:

Nancy J. Landrum

✓

Claims through

Mother

Husband

for Lawson.

✓

Children:

Nancy M. Lawson

10

Clemmy

"

9

William J

"

8

Alley

"

6

John W

"

5

Ada J

"

1

Stenographer

C. J. Applegate

FOR IDENTIFICATION  
MISSISSIPPI CHOCTAW

*Margaret Lawson et al*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION MAILED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT.

MAR 19 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT.

MAR 14 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

*M. J. [illegible]*

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 15 1904

NOTICE OF  
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

Choctaw MCR 6885

Millard F. Horton

MCR 6885

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 10, 1903.

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In the matter of the application of C. C. Hanks for the identification of Millard F. Horton and his five minor children, Ethel Horton, Annie L., James L., Grace and Gertrude Horton as Mississippi Choctaws.

C. C. Hanks being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A C. C. Hanks.  
Q What is your post office address? A Campton, Kentucky.  
Q Are you an applicant to this commission for identification as a Mississippi Choctaw? A Yes, sir.  
Q What is your purpose in appearing now? A I appear under a power of attorney for Millard F. Horton.

Applicant offers duly executed power of attorney signed by Millard Horton dated February 2, 1903, same being sworn to before W. S. Tutt county clerk Wolfe county, state of Kentucky same date, constituting C. C. Hanks his attorney in fact to represent him in the matter of the application for identification as Mississippi Choctaws, for himself and children; same filed, marked exhibit "A" and made part of the record in this case.

There is also offered certificate of H. H. Stamper M. D. to the effect that Millard F. Horton is physically unable to make personal appearance at Muskogee Indian Territory; same being sworn to before Joseph Lykins, Notary Public, Wolfe county Kentucky March 2, 1903. Same is filed marked exhibit "B" and made a part of the record in this case.

- Q How old is Millard F. Horton? A Thirty-four years old.  
Q How much Choctaw blood does he claim? A One-eighth.  
Q What is his post office address? A Boxer, Kentucky.  
Q How long has he lived in the state of Kentucky? A All his life.  
Q Is his father living? A No, sir.  
Q What was his name? A Henry F. Horton.  
Q How old would he be if living now? A I don't know exactly.  
Q About how old do you think? A About sixty-two I guess.  
Q Is his mother living? A Yes, sir.  
Q What is her name? A Laura A. Horton.  
Q How old is she? A Fifty-four.  
Q Through which parent does he claim his Choctaw blood? A His mother.  
Q Has his mother ever made application to this commission as a Mississippi Choctaw? A Yes, sir.  
Q Is he a married man? A Yes, sir.  
Q Is his wife living? A Yes, sir.



- Q What is her name? A Florence Horton.  
 Q Is she a white woman? A Yes, sir.  
 Q Makes no claim to Indian blood? A No, sir.  
 Q Give the names and ages of her children? A Ethel Horton ten years old. Annie Lee Horton eight years old. James L. Horton six years old. Grace Horton four years old. Gertrude Horton one year old.  
 Q Is Millard F. Horton father of these children? A Yes, sir.  
 Q Is Florence Horton the mother of them? A Yes, sir.  
 Q Was Millard F. Horton and his wife Florence legally married? A Yes, sir.  
 Q Have you evidence of that marriage with you? A Yes, sir.

There is offered certified copy of the marriage record between Millard Horton and Florence Sewell; same is filed marked exhibit "C" and made a part of the record in this case.

- Q Is the name of Millard F. Horton or the names of any of his minor children to be found upon the tribal rolls of the Choctaw Nation? A No, sir.  
 Q Did he or any one for him ever make application to any authority to be enrolled as members of that tribe? A No, sir.  
 Q Did he or any one for him or for his minor children make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1898? A No, sir.  
 Q Has he or any one for his minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United Court for Indian Territory? A No, sir.  
 Q Has any application ever been made prior to this time for him or his minor children to either the Choctaw tribal authorities or the United States authorities? A No, sir.  
 Q Is it your purpose to make application for his identification and for the identification of his minor children as Mississippi Choctaws claiming rights in the lands of the Choctaw Nation Indian Territory under the provisions of the treaty concluded between the Choctaw Nation and the United States government September 27, 1830? A Yes, sir.

This treaty was entered into between the Choctaw Indians and the United States government at a place called Darning Rabbit Creek in Mississippi on 27th September 1830. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to the new country west of the Mississippi River, which is not the Choctaw Nation Indian Territory. At the time the treaty was made a great many Choctaws objected to removing to this new country and for the benefit of these people article fourteen was put into the treaty.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen of the treaty of 1830. That article required that in case a Choctaw elected to remain in the old Choctaw Nation and take lands under its provision he should within six months from the date of the ratification by Congress which was done 24th September 1831, appear before a government agent there in the old Choctaw Nation and signify to him that he wanted to remain there and take land under article fourteen. After having done that he was entitled as the head of a family to one section of 640 acres and for each child in his family over ten years old and unmarried he was entitled to one-half section or 320 acres, and for each child under ten years of age he was entitled to one-quarter section of 160 acres, the reservations of the children to adjoin the reservation of the children's parent and to include any improvements owned by the head of the family. That article was also required that in case a Choctaw received land from the government he should live upon said land for five years after which time a patent was issued to him. The last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." X That means that in case a Choctaw remained in the old Choctaw Nation and took land under article fourteen if he ever removed to the Choctaw Nation he was entitled under the treaty to citizenship rights in the Territory, he forfeited any rights however which he might have to participate in the Choctaw annuity payments.

Q That is article fourteen and an explanation of it, do you make the claim for Millard F. Horton and his children under that article? A Yes, sir.

Q What is the name of the ancestor, or names of ancestors of Millard F. Horton through whom he claims his right to identification as a Mississippi Choctaw? A John Harper and wife Mary Ann or Polly Ann Harper.

- Q He gets his Choctaw blood from which one - what is the name of Laura A. Horton's father? A Cud M. Hanks.
- Q What is the name of her mother? A Millie Ann Hanks.
- Q Which one was Choctaw? A Her father.
- Q What is the name of Cud M. Hank's father? A Fielding Hanks.
- Q What is the name of his mother? A Lydia Hanks.
- Q Which one was Choctaw? A Lydia Hanks.
- Q What was the name of Lydia Hank's father? A John Harper.
- Q And her mother's name was what? A Polly Ann or Mary Ann Harper.
- Q How much Choctaw blood was John Harper and his wife possessed of? A full blood each one.
- Q Was Cud M. Hanks and his wife Millie married and head of a family in 1830? A No, sir.
- Q Did they reside in the old Choctaw Nation at that time? A No, sir.
- Q Was Fielding Hanks and his wife Lydia living and head of a family in 1830? A Yes, sir.
- Q Did they live in the old Choctaw Nation in Mississippi at that time? A No, sir.
- Q Was John Harper and his wife Polly or Mary Ann married in 1830 and did they live in the old Choctaw Nation in Mississippi or Alabama in 1830? A They were married but didn't reside in Mississippi in 1830.
- Q Where did they reside at that time? A Kentucky.
- Q Where did Lydia Hanks and her husband live in 1830? A Kentucky.
- Q Can you give the names of Millard F. Horton's ancestors who were recognized members of the Choctaw tribe September 27, 1830? A No, sir.
- Q Can you give the names of any the Choctaw ancestors who were living in the old Choctaw Nation in Mississippi or Alabama in 1830? A No, sir.
- Q Can you give the names of any of the ancestors who complied or attempted to comply with article 14 of that treaty? A I understand John Harper did.
- Q Can you explain what effort he made? A I understand he went from Kentucky to the state of Mississippi for the purpose of claiming his rights there.
- Q Can you tell what residence if any John Harper and his wife ever maintained in the old Choctaw Nation in Mississippi or Alabama? A They lived there once I don't know when.
- Q Do you know anything about their residence with the Choctaws? A No, sir.
- Q Do you know whether John Harper had an Indian name or not. A No, sir.
- Q Do you know whether his wife had an Indian name or not? A No, sir.
- Q Do you know whether any of Millard F. Horton's ancestors owned any improvement in the old Choctaw Nation in Mississippi or Alabama? A At what time?
- Q In 1830 when the treaty was made? A Not that I know of.
- Q Did they own any there at any time? A I understand John Harper lived there and owned property. He lived there before 1830 I understand.
- Q Did any of his ancestors remove from the old Choctaw Nation between the years 1830 and 1838 to the Choctaw Nation Indian Territory at the time of the removal of the main portion of the Indians to Indian Territory? A No, sir.

- Q Can you give the names of any his Choctaw ancestors who received any lands from the United States government as a Choctaw Indians?  
 A No, sir.

In accordance with the provisions of article 14 the government directed an agent in the old Choctaw Nation to register the names of all those Choctaws who wanted to remain there and take land under its provision. The records of the government show that this agent neglected to register the names of a great many who did appear before him and on this account lands on which Choctaws owned improvements was sold by the government at its public land sales. This caused a great many complaints and these complaints finally reached Congress and Congress under acts passed March 3, 1837 and another act passed August 23, 1842 authorized commissions to go into the old Choctaw Nation and investigate these claims; some of the claims were allowed and some rejected; of the claims allowed if it was found that the lands were not sold their lands were given to them, if however it was found that the lands had been disposed of they were given scrip in lieu of the land which they had lost. This scrip was issued under the act of Congress approved August 23, 1842 and under this scrip Choctaws could locate on government lands in the states Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of Millard F. Horton's ancestors appear before either of these commissions and attempt to establish claim under article fourteen? A I don't know.  
 Q Do you know whether any received any scrip from the United States government for land which they lost? A Never heard.  
 Q Do you know of the ~~scrip~~ existence or have you ever heard of any deed or patent given to the ancestors of Millard F. Horton, given to them for land received by them under article fourteen of the treaty of 1830? A No, sir.  
 Q Then so far as you know none of the ancestors of Millard F. Horton ever received any benefits as Choctaw Indians under article 14 of the treaty of 1830? A No, sir.  
 Q Does Millard F. Horton speak or understand the Choctaw language? A No, sir.  
 Q What is the color of his hair? A Brown hair.  
 Q Eyes? A Blue eyes.  
 Q What complexion? A Fair complexioned.  
 Q What relation is he to you? A Nephew of mine.  
 Q Do you desire his case to be consolidated with the cases of the other applicants claiming rights as descendants of John Harper? A Yes, sir.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, taken at Muskogee, Indian Territory, March 10, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes

6885-6

taken in said cause on said date.

*Chas. Dillendaffer*

Subscribed and sworn to before me this 1st day of April 1903.

*Charles H. Sawyer*

Notary Public.

M C R 6885

Muskogee, Indian Territory, November 6, 1903.

Millard F. Horton,

Boxer, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



M C R 6885

Muskogee, Indian Territory, November 6, 1903.

C. C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Willard F. Horton and his minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6885

Muskogee, Indian Territory, March 18, 1904.

Millard F. Horton,  
Boxer, Kentucky.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your five minor children, Ethel, Annie Leo, James L., Grace and Gertrude Horton, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.



M.C.R.6885.

Muskogee, Indian Territory, June 26, 1905.

Millard Horton,

Boxer, Kentucky.

Dear Sir:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

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No.

6885

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 10 1902

Name Willard F. Horton

Age

34

Blood

1/8

Post Office,

Boxer Ky

Father:

Henry J. Horton

D

Mother:

Lanrae A. Horton

✓

Claims through

wife Mother

Florence Horton

✓

Children:

Ethel Horton

10

Annie Lee

u

8

James L

u

6

Grace

u

4

Gertrude

u

1

Stenographer

C. J. Hoff

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW. B. 6880

*Willard F. Horton et al.*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 18 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904.

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

MAR 31 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR APPLICANT.

JUN 27

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW.

REFER TO M. C. R. 5670

Choctaw MCR 6886

Mollie Ingram

MCR 6886

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 10, 1903.

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In the matter of the application of C. C. Hanks for the identification of Mollie Ingram and her minor child Minnie Ingram as Mississippi Choctaws.

C. C. Hanks being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A C. C. Hanks.  
Q What is your age? A Fifty-seven.  
Q What is your post office address? A Campton, Kentucky.  
Q Are you an applicant to this commission for identification as a Mississippi Choctaw? A Yes, sir.  
Q What is your purpose in appearing at this time? A Appear here to represent Mollie Ingram.

Applicant offers power of attorney from Mollie Ingram issued February 27, 1903 before W. S. Tutt, clerk county court Wolfe County, Kentucky, appointing C. C. Hanks her attorney in fact to present her application for identification of herself and minor child as Mississippi Choctaws to this Commission. Same filed, marked exhibit "A" and made a part of the record in this case.

- Q Is this power of attorney accompanied by a physician's certificate?

There is offered the certificate of H. H. Stomper M. D. to the effect that Mollie Ingram is physically unable to make personal appearance before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory. The same is sworn to before W. S. Tutt, clerk county court Wolfe county, state of Kentucky Feb. 27, 1903. Same is filed, marked exhibit "B" and make a part of the record in this case.

- Q In the power of attorney executed by this applicant Mollie Ingram in the physician's certificate accompanying this power of attorney the name is spelled Ingraham, that is an error is it? A Yes, sir.  
Q The proper way is the way she has signed it is it? A Yes, sir.  
Q How old is Mollie? A Twenty-eight.  
Q How much Choctaw blood does she claim? A One-eighth.  
Q What is her post office address? A Toliver, Kentucky.  
Q How long has she lived in Kentucky? A All her life.  
Q Is her father living? A Yes, sir.  
Q What is his name? A Fielding Cox.

- Q How old is he? A Fifty-nine years old.
- Q Is her mother living? A Yes, sir.
- Q What is her name? A Mattie Cox.
- Q How old is she? A I don't know her age.
- Q Through which parent does she ~~dk~~ claim her Choctaw blood? A Her father.
- Q Were her father and mother legally married? A Yes, sir.
- Q Have you evidence of that marriage? A It is filed in the case.
- Q Filed in the case of whom of the other applicants? A Yes, sir application of Fielding Cox.
- Q Fielding Cox ~~is~~ her father? is an applicant to the Commission? A Yes, sir.
- Q Is she married? A Yes, sir.
- Q Is her husband living? A Yes, sir.
- Q What is his name? A Joseph B. Ingram.
- Q Is he a white man? A Yes, sir.
- Q Does he ~~has~~ make any claim to Indian blood? A No, sir.
- Q Is she the mother of any children. A Yes, sir one child.
- Q What is the name and age of that child? A Minnie L. Ingram ~~has~~ two months old.
- Q Is Joseph B. Ingram the father of this child? A Yes, sir.
- Q Is Mollie Ingram to be found upon any of the tribal rolls of the Choctaw Nation Indian Territory? A No, sir.
- Q Did she or any one for her ever make application to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No, sir.
- Q Did she or any one for her make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Has she ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Has any application ever been made by her or any one for her prior to this time to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizen of the Choctaw Nation? A No, sir.
- Q Do you appear at this time before the Commission to make application for the identification of Mollie Ingram and her minor child as Mississippi Choctaws, claiming rights in the Choctaw lands in Indian Territory under the provision of the fourteenth article of the treaty concluded between the United States and the Choctaw tribe of Indians? A Yes, sir.

This treaty was entered into at a place called Dancing Rabbit Creek in Mississippi September 27, 1830. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the old Choctaw Nation to the new country west of the Mississippi River. At the time the treaty was made a great many Choctaws objected to removing to this new country and for the benefit of those people article 14 was made a part of the treaty.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ~~then~~ ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article 14 of the treaty of 1830 and that article required that in case a Choctaw elected to remain in the old Choctaw Nation and take lands under its provision he should within six months from the 24th day of February 1831, that is the date upon which Congress ratified the treaty, go before the Indian Agent there and signify his intention of wanting to take lands; after having done that he was entitled as the head of a family to one section of 640 acres of land and for each unmarried child in his family over ten years of age one-half section or 320 acres of land, and for each child under ten years of age one-quarter section of 160 acres; the reservations of the children to adjoin the reservation of the parent and to include any improvement owned by the head of the family in 1830. This article also required that after a Choctaw had received his land from the government he should live on same for five years after which time the government would issue him a patent which would allow him to dispose of his land at his pleasure. The last clause is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that in case a Choctaw elected to remain in the old Choctaw Nation and take his lands under this article that if he ever did remove to the Choctaw Nation Indian Territory he was entitled to citizenship there but was not entitled to any of the annuity money.

- Q That is article under which you make the claim for Mollie Ingram and her minor child? A Yes, sir.
- Q What is the name of the Choctaw ancestor, or ancestors, through whom Mollie Ingram claims this right? A John Harper and wife Polly Ann or Mary Ann.
- Q What is the name of his father? A James Cox.
- Q And his mother's name is what? A Annie Cox.
- Q Who was Choctaw, was Annie Cox? A Yes, sir.
- Q What was the name of Annie Cox's father? A Fielding Hanks.
- Q What was the name of her mother? A Lydia Hanks.
- Q Which was Choctaw? A Lydia.



- Q What was the name of Lydia Hanks' father? A John Harper.
- Q What was the name of John Harper's wife? A Mary Ann or Polly Ann.
- Q How much Choctaw blood were they possessed of? A Full blood.
- Q Was James Cox and his wife Annie married and head of a family in 1830? A I don't know.
- Q Where did they live in 1830? A In Kentucky I understand.
- Q Was Fielding Hanks and his wife Lydia married in 1830? A Yes, sir.
- Q Where did they reside at that time? A In Kentucky.
- Q Was John Harper and his wife living in 1830? A Yes, sir.
- Q Where did they live? A In Kentucky.
- Q Can you give the names of any of the Choctaw ancestors of Mollie Ingram who lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and who was recognized citizen at that time? A No, sir.
- Q Can you give the name of any ancestors of Mollie Ingram who within six months after February 23, 1831 appeared before the United States Agent and signified his intention to remain in the old Choctaw Nation and take lands under article fourteen? A I understand John Harper attempted to comply with that.
- Q You have testified that John Harper was living in Kentucky, now explain what attempt he made? A I understand he went from the state of Kentucky to the state of Mississippi to claim his rights as a Choctaw.
- Q Did any of this applicant's ancestors own any improvements on what constituted the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of her Choctaw ancestors move from the old Choctaw Nation in Mississippi and Alabama between the year 1833 and 1838 at the time of the removal of the greater portion of the Choctaws to the Choctaw Nation Indian Territory? A I don't know.

In accordance with the provision of article fourteen the government directed an agent in the old Choctaw Nation to register the names of all those Choctaws who wanted to remain there and take lands under that article, but the records of the government show that the agent neglected to register the names of a great many and on this account lands which they wanted reserved was sold by the government at its public land sales; this caused a great many complaints and these complaints finally reached Congress and Congress by acts passed one March 3, 1837 and another approved August 23, 1842 authorized commissions to go into the old Choctaw Nation and investigate these claims. A great many claims were investigated, some of which were allowed and others rejected; of the claims allowed if after the approval by the Secretary of War and the President the Indians were given their land, if however it was found that the lands had been sold they were given scrip. This scrip was authorized by the act of Congress approved August 23, 1842, under this scrip Choctaws could locate on land in Mississippi, Alabama, Louisiana, or Arkansas.

- Q Did any of Mollie Ingram's Choctaw ancestors appear before either of these commissions and establish or attempt to establish claims under article fourteen? A Not that I know of.



- Q Do you know whether they ever received scrip from the government for land under article fourteen? A No, sir.
- Q So far as you know then none of her Choctaw ancestors ever received any benefits as Choctaw Indians under article fourteen? A No, sir.
- Q Do you know or have you ever heard of the existence of a deed or patent received from the government for lands given them under article fourteen? A No, sir.
- Q Have you any witnesses you want to introduce? A No, sir.
- Q Have you any further evidence? A Marriage certificate.

Applicant offers certified copy of the marriage record between Joseph B. Ingram and Mollie Cox; same is filed, marked exhibit "g" and made a part of the record in this case.

- Q Does Mollie Ingram speak or understand the Choctaw language? A No, sir.
- Q What is the color of her hair? A Her hair is brown hair.
- Q What is the color of her eyes? A Blue.
- Q Complexion? A Fair complexioned.

Attorney of applicant testifies that he has no knowledge of an act of compliance on the part of any of her ancestors with any of the provisions of the 14th article of the treaty of 1830. He does testify however that John Harper the most remote ancestor of the applicant went from the state of Kentucky to Mississippi in the year 1830 for the purpose of appearing before the Government agent and establish his claim as a Choctaw under article 14 of the treaty of 1830.

- Q Are you related to Mollie Ingram? A Yes, sir second cousin.
- Q Do you desire her case considered with all the other applications of those claiming descent from John Harper? A Yes, sir.

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Chas. Diffendaffer being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 10, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 1st day of April 1903.

*Charles H. Sawyer*

Notary Public.

M C R 6886

Muskogee, Indian Territory, November 6, 1903.

C. C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Mollie Ingram and her minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 18, 1904.

Mollie Ingram,  
Toliver, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of yourself and minor child, Minnie L. Ingram, as Mississippi Choctaws was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M.C.R.6886.

Muskogee, Indian Territory, June 26, 1905.

Mollie Ingram,

Toliver, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

L-3

No. 6886

6886  
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 1900

Name

Mollie Ingram

Age

28

Blood

1/8

Post Office,

Toliver Miss

Father

Felding Cox ✓

Mother

Mattie Cox ✓

Claims through

husband father

Joseph B. Ingram ✓

Children:

Minnie L. Ingram 2 m

Stenographer

C. J. Biffendaffer

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*Mollie Ingram et al*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT. MAR 18 1904

RECORD FORWARDED DEPARTMENT.

JUN 13 1904

ACTION APPROVED BY  
SECRETARY OF INTERIOR

MAR 2 1905

NOTICE OF DEPARTMENTAL  
ACTION FORWARDED APPLICANT.

JUN 5 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANTS

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR CHOCTAW

AND CHICKASAW NATIONS.

5870

Choctaw MCR 6887

Rilda Cox

MCR 6887

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. March 10, 1903.

---o---

In the matter of the application of C. C. Hanks for the identification Rilda Cox as a Mississippi Choctaw.

C. C. Hanks being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A C.C. Hanks.  
Q What is your age? A Fifty-seven.  
Q What is your post office address? A Campton, Kentucky.  
Q Are you an applicant before this commission for identification as a Mississippi Choctaw? A Yes, sir.  
Q What is your purpose in appearing at this time? A To represent Rilda Cox under a power of attorney.  
Q Is that power of attorney accompanied by a physicians certificate of her inability to appear in person? A Yes, sir.

There is offered duly executed power of attorney of Rilda Cox dated February 27, 1903 constituting and appointing C. C. Hanks her attorney in fact to represent her in the matter of her application for the identification of herself as a Mississippi Choctaw; said power of attorney is sworn to before W. S. Tutt clerk of the County Court Wolfe County, state of Kentucky on the 27th February 1903; same is filed, marked exhibit "A" and made a part of the record in this case.

There is also offered certificate of Dr. G. W. Swango to the effect that Rilda Cox is physically unable to make personal appearance at Muskogee, Indian Territory. Said certificate is sworn to before Joseph C. Lykins, Notary Public, Wolfe county state of Kentucky on 2d March 1903. Filed, Marked exhibit "B" and made a part of the record in this case.

- Q How old is Rilda Cox? A Twenty-two years old.  
Q How much Choctaw blood does she claim? A One-eighth.  
Q What is her post office address? A Toliver, Kentucky.  
Q Has she always lived in Kentucky? A Yes, sir.  
Q Is her father living? A Yes, sir.  
Q What is his name? A Fielding Cox.  
Q How old is he? A Fifty-nine years old.  
Q Is her mother living? A Yes, sir.  
Q What is her name? A Mattie Cox.  
Q Through which parent does she get her Choctaw blood? A Her father.  
Q Is her father an applicant before this commission for identification as a Mississippi Choctaw? A Yes, sir.  
Q Has Rilda Cox ever been married? A No, sir never married.



- Q Never had any children? A No, sir.
- Q You make claim for her alone then? A Yes, sir.
- Q Is her name to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did she or any one for her ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No, sir.
- Q Did she or any one for her in the year of 1836 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.
- Q Has she ever been admitted to citizenship in the Choctaw Nation by either the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Has she ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be enrolled as a citizen of the Choctaw Nation? A No, sir.
- Q Do you appear at this time under a power of attorney to make application for the identification of Rilda Cox claiming the right to be identified as a Mississippi Choctaw under the treaty concluded between the United States government and the Choctaw tribe of Indians? Yes, sir.

This treaty was entered into by the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi 27th September 1830. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws to the country west of the Mississippi River which is now the Choctaw Nation Indian Territory. At the time the treaty was made a great many Choctaws objected to removing to the new country and for their benefit article 14 was made a part of the treaty.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article 14 of the treaty of 1830, that article required that in case a Choctaw elected to remain in the old Choctaw Nation and take land under its provision he should within six months from the date of the ratification of the treaty, which was done February 24, 1831, appear before the government agent there in the old Choctaw Nation and signify to him, that is let him know in some way, they wanted to remain there and take lands. After having done that he was entitled as the head of a family to a section of 640 acres to be bounded by sectional lines of survey and for each child over ten years of age and unmarried he was entitled to one-half section or 320 acres and for each child under ten years of age he was entitled to one-quarter section of 160 acres; the reservations of the children to adjoin the reservation of the parent and to include any improvements owned by the head of the family in 1830. This article also required that after a Choctaw had taken his land he should live upon same for five years after which time a deed or patent would be given him by the government, which entitled him to dispose of his land at his pleasure. The last clause is as follows: "Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that in case a Choctaw remained in the old Choctaw Nation took his land that if he ever moved to the Choctaw Nation Indian Territory he would not forfeit his right to citizenship but he did forfeit his right to annuity money.

- Q That is an explanation of article 14 now do you claim for Rilda Cox under that article? A Yes, sir.
- Q What is the name of her Choctaw ancestor through whom she claims her right to be identified as a Mississippi Choctaw? A John Harper and wife, Polly.
- Q She claims her Choctaw blood from her mother Mattie Cox? No, sir.
- Q From her father Fielding Cox? A Yes, sir.
- Q Who was Fielding Cox's father? A James Cox.
- Q What is his mother's name? A Annie Cox.
- Q Which one was Choctaw? A His mother.
- Q What was Annie Cox's father's name? A Fielding Hanks.
- Q What was her mother's name? A Lydia Hanks.
- Q Which one is Choctaw? A Lydia.
- Q Now what is Lydia Hanks's father's name? A John Harper.
- Q And her mother? A Polly Ann or Mary Ann Harper.
- Q How much Choctaw blood was John Harper and his wife possessed of? A Full blood.
- Q Both of them? A Yes, sir.
- Q Now was James Cox and his wife married and the head of a family in 1830? A I don't know.
- Q Was Fielding Hanks and his wife Lydia married and head of a family in 1830? A Yes, sir.
- Q Where did they reside at that time? A In Kentucky.
- Q Was John Harper and his wife married in 1830? A Yes, sir.
- Q Where did they reside at that time? A I understand in Kentucky.
- Q Do you know the names of any of the ancestors or ancestor of Rilda Cox who lived in the old Choctaw Nation in 1830 and who were recognized members of the Choctaw tribe of Indians at that time? A No, sir.
- Q Can you give the names of any of her Choctaw ancestors who within six months after the treaty was ratified appeared before the

government agent in the old Choctaw Nation and signified their intentions of remaining and taking lands under article fourteen? A I understand John Harper did.

- Q Explain his effort when you have testified that he was living in Kentucky? A I understand he went there ~~and~~ for that purpose.
- Q What year? A Latter part 1830 and returned in 1831.
- Q Did any of her Choctaw ancestors own any improvement in what constituted the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of her Choctaw ancestors move to the Choctaw Nation with the other Indians between the years 1833 and 1838 at the time of the removal of the main portion of the Choctaws to the Choctaw Nation Indian Territory? A I don't know.

In accordance with the provisions of article 14 the government directed an agent to register the names of all those Choctaws who wanted to remain there and take lands under its provisions. The records of the government show that the agent of the government neglected to register the names of a great many Indians who did appear before him, and on this account lands which the Indians wanted reserved for them was taken from them by the government and sold. This caused a great many complaints on the part of these Indians and these complaints finally reached Congress and Congress under acts passed March 3, 1837 and August 23, 1842 authorized commissions to go into the old Choctaw Nation and investigate these claims; a large number of claims were investigated some were allowed and some refused, of the claims approved if after the approval of the Secretary of War and the President it was found their lands had not been sold they were given their lands, if however their lands had been sold they were given scrip. That scrip was authorized under the act of Congress of August 23, 1842.

- Q Did any of her Choctaw ancestors appear before either of these Commissions and attempt to establish their claims under article fourteen? A Not that I know of.
- Q Did any receive scrip? A No, sir.
- Q Do you know whether any of them owned any land in either the states of Mississippi, Alabama, Arkansas or Louisiana? A No, sir.
- Q As far as you know none of the ancestors of ~~Rilda~~ Rilda Cox ever received any benefits under article 14 as a Choctaw? A No, sir.
- Q Did you ever hear of the existence of or do you know of the existence of any patent issued by the United States government to any of her Choctaw ancestors to land under article fourteen? A No, sir.
- Q Have you any witnesses you want to introduce? A No, sir.
- Q Have you any documentary evidence you want to file? A No, sir.
- Q Have you any statement you want to make? A No, sir.
- Q What is the color of Rilda's hair? A Dark brown.
- Q Her eyes? A Blue.
- Q What is her complexion? A Fair.
- Q Does she speak or understand the Choctaw language? A No, sir.

Attorney for the applicant testifies that he has no knowledge of any compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of 1830. He does testify that John Harper, the most remote ancestor lived in the state of Kentucky in the latter part of 1830, and did go to Mississippi and establish a claim under article 14.

- Q Are you related to Rilda Cox? A Yes, sir, second cousin.  
Q Do you desire her case to be considered with all the other cases claiming under John Harper? A Yes, sir.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 10, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 1st day of April 1903.

*Charles H. Sawyer*

Notary Public.

M C R 6887

Muskogee, Indian Territory, November 6, 1903.

C. C. Hanks,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Rilda Cox for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6887

Muskogee, Indian Territory, March 18, 1904.

Rilda Cox,

Toliver, Kentucky.

Dear Madam:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by C. C. Hanks for your identification as a Mississippi Choctaw was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Registered

Commissioner in Charge.

M.C.R.6887.

Muskogee, Indian Territory, June 26, 1905.

Rilda Cox,

Toliver, Kentucky.

Dear Madam:

You are hereby notified that on the 30th day of March, 1905, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March, 1904.

Respectfully,

Chairman.

No 4

6887

No.

6187  
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name

Hilda Cox

Age

22

Blood

1/8

Post Office,

Toliver Ky

Father

Fielding Cox ✓

Mother

Mattie Cox ✓

Claims through

Father

for self alone

Children:

Application by  
C. C. Hanks under  
power of atty

Stenographer

W. H. Hiffenday



FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW

688

*Rilda Cox*

DECISION RENDERED.

MAR 4 1904

COPY OF DECISION FORWARDED  
ATTORNEY GENERAL AND  
CHICKASAW

MAR 4 1904

NOTICE OF DECISION MAILED APPLICANT: MAR 18 1904

**RECORD FORWARDED DEPARTMENT.**

**JUN 13 1904.**

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

MAR 2 1905

NOTICE OF DEPARTMENTAL  
ACTION FORWARDED APPLICANT.

JUN 26 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

5670

Choctaw MCR 6888

Haywood Jamison

MCR 6888

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 10, 1903.

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In the matter of the application of Haywood Jamison for the identification of himself as a Mississippi Choctaw.

W. H. Twine attorney for the applicant:

Haywood Jamison being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Haywood Jamison.  
Q How old are you? A Born in '66 July.  
Q Thirty-seven years old? A Yes, sir.  
Q How much Choctaw blood do you claim? A Eighth.  
Q What is your post office address? A Fallis, Oklahoma.  
Q How long have you lived there? A I come to Oklahoma there in 1891.  
Q Where were you born? A Texas.  
Q How long did you live in Texas? A From '66 up to last 1891.  
Q Never lived any where except Texas and Oklahoma? A No, sir.  
Q Is your father living? A Yes, sir.  
Q What is his name? A Albert Jamison.  
Q How old is he? A Well I don't know, he don't know himself, about seventy.  
Q Is your mother living? A Yes, sir.  
Q What is her name? A Patsey Jamison.  
Q How old is she? A She is about sixty-five, I think, I don't know exactly.  
Q From which one of these parents do you get your Choctaw blood? A Mother.  
Q Where does your mother live? A She lived at Fallis Oklahoma.  
Q Where was she born? A Texas I suppose.  
Q Did she ever live any where else except Texas and Oklahoma? A Tennessee is her-  
Q She went from Texas to Tennessee? A No, sir from Tennessee to Texas.  
Q Then from Texas to Oklahoma? A Yes, sir.  
Q You don't know whether she was born in Tennessee do you? A No, sir.  
Q Did she ever live in Mississippi or Alabama? A No, sir.  
Q What was your mother's father's name? A Joe Tubbe.  
Q What was her mother's name? A Candis Tubbe.  
Q Now which one was Choctaw Joe or Candis? A Joe.  
Q How much Choctaw blood did he have? A One-half.  
Q Do you know who Joe Tubbe's father and mother was? A I don't know.  
Q What was his mother's name? A Millie Tubbe.  
Q How much Choctaw blood did she have? Q Whole In Choctaw.

- Q Is that as far back as you can go with your ancestors? A Yes, sir.
- Q Has your mother ever been before this commission to make application for identification as a Mississippi choctaw? A Yes, sir.

Reference is made to M.C.R. 6668 Patsy Jamison, said application being included in the consolidated Mississippi Choctaw case of Ellen Pleasant, et al., M.C.R. 6669.

- Q Are you married? A No, sir.
- Q Claim for yourself alone do you? A Yes, sir.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Have you ever prior to this time made application to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No, sir.
- Q Do you appear before the Commission at this time claiming rights in the Choctaw lands Indian Territory under the provision of the 14th article of the treaty concluded between the United States and the Choctaw Indians September 27, 1830? A Yes, sir.

This treaty was entered into between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi, on the 27, September 1830. At that time the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line. The object of the treaty was to secure the removal of all the Choctaws from the country they then occupied to the new country west of the Mississippi River which is now Choctaw Nation Indian Territory. At the time the treaty was made a great many objected to removing to this new country and for the benefit of those people article fourteen was put into the treaty.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in

that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is article fourteen and that article required that in case a Choctaw elected to remain in the old Choctaw Nation and take lands under its provision he should within six months after the ratification by Congress which was February 24, 1831, go before the government agent and signify to him that he wanted to remain there and take lands; after having done that he was entitled to one section of 640 acres and for each child unmarried and over ten years of age he was entitled to one-half section of 320 acres and for each child under ten years of age he was entitled to one-quarter section or 160 acres, the reservations of the children to adjoin the reservation of the parent and to include any improvement owned by the head of the family at the time the treaty was made. That article also required that these Choctaws should reside upon their land for five years after which time the government would issue them a patent giving them the right to sell their land at their pleasure. The last clause is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That means that in case a Choctaw remained in the Choctaw Nation and took his land he didn't forfeit the right to citizenship in the Choctaw Nation if he ever removed there but did forfeit his right to share in the annuity moneys.

- Q That is article fourteen and an explanation of it; that is the article under which you claim? A Yes, sir.
- Q You claim your rights under Millie Tubbe? A Yes, sir.
- Q Was Millie Tubbe living in the old Choctaw Nation in Mississippi and Alabama September 27, 1830? A That is what they say.
- Q Who did you get that information from? A My mother.
- Q Did Millie Tubbe within six months from the 24th February 1831 go before the agent there and tell him she wanted to stay there and take land? A I don't know.
- Q Was she a recognized member of the Choctaw tribe of Indians in 1830? A I don't know sir.
- Q Did she own any improvements on land or own any lands in the old Choctaw Nation in Mississippi or Alabama September 27, 1830? A I don't know.
- Q Did she between the years 1833 and 1838 move to the Choctaw Nation Indian Territory with the other Indians when they moved over here? A I don't know that.
- Q Do you know whether she ever claimed ~~an~~ or received any land from the government under article fourteen? A No, sir.

In accordance with the provision of article fourteen the government directed an agent in the old Choctaw Nation to register the names of all those Choctaws who wanted to remain there and take land. The records of the government show that this agent neglected to register the names of a great many Indians and on this account land which they wished reserved for them was sold by

by the government; this caused a great many complaints by the Choctaws and these complaints finally reached Congress and Congress under acts approved March 3, 1837 and August 23, 1842 authorized commissions to go into the old Choctaw Nation and investigate these claims. A great many claims were investigated some allowed and some refused; of the claims allowed if after approval by the Secretary of the war and the president it was found that the lands had not been sold they were given their rights; if however they had been sold scrip was given them. This scrip was authorized under the act of Congress approved August 23, 1842.

- Q Did Millie Tubbe appear before either of these commissions? A I don't know sir.
- Q Did Millie or any of your Choctaw ancestors receive any scrip from the United States government? A I don't know whether they did or not.

This scrip authorized the holder to locate on any vacant land, government land, in the states Mississippi, Alabama, Louisiana or Arkansas.

- Q Did Millie or any of your Choctaw ancestors own any lands in any of these states? A I don't know sir.
- Q So far as you know were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians in the old Choctaw Nation? A No, sir.
- Q Did they ever get any benefits from the government under article fourteen? A No, sir.
- Q Was your mother a slave? A Yes, sir.
- Q Was your father a slave? A No, sir.
- Q Were you a slave? A No, sir.
- Q Were you born after the Emancipation Proclamation act? A Yes, sir, two years after so they say.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any documentary evidence you want to file in this case? A No, sir.
- Q Any statement you wish to make? A No, sir.

The applicant has the physical appearance and features of a person descended from negro parentage, shows no indication of having possessing Indian blood and has no knowledge of any act of compliance on the part of any his ancestors with any of the provisions of article 14 of the treaty of 1830?

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Chas. Diffendaffer, being first duly sworn, states that as stenographer to the Commission to the five civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 10, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 2 day of April 1903.

*Chas. Diffendaffer*  
*Charles X. Sawyer*

Notary Public.

M C R 6668  
M C R 6888

Muskogee, Indian Territory, September 17, 1903.

W. H. Fallis,  
Notary Public,  
Fallis, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you ask if certain depositions have been filed in support of the Mississippi Choctaw cases of Haywood Jamison and Patsey Jamison. You state you will take other depositions if the ones taken by you and forwarded to this office have not been received.

In reply you are informed that it does not appear from our records that any depositions have been filed in support of the above mentioned cases. A copy of the rules and regulations governing the procedure in the taking and submission of depositions in support of Mississippi Choctaw applications is herewith enclosed.

Respectfully,

Chairman.

R & R Dep.



Muskogee, Indian Territory, October 31, 1903.

Haywood Jamison,

Fallis, Oklahoma,

Dear Sir:

You are hereby advised that on the 31st day of October, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Ellen Pleasant, et al., embracing the following applications for identification as Mississippi Choctaws:

|                         |             |
|-------------------------|-------------|
| Ellen Pleasant,         | M.C.R. 6669 |
| Patsey Jamison, et al., | M.C.R. 6668 |
| John Jamison, et al.,   | M.C.R. 6670 |
| Paul Jamison,           | M.C.R. 6671 |
| Joe Jamison, et al.,    | M.C.R. 7069 |
| Haywood Jamison,        | M.C.R. 6888 |
| Mattie Anderson,        | M.C.R. 7070 |
| Sallie Jamison,         | M.C.R. 7072 |
| Effie Jamison,          | M.C.R. 7071 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."



Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Pleasant, Patsey Jamison, Herbert Jamison, John Jamison, Oscar Jamison, Lillie Mabel Jamison, Paul Jamison, Joe Jamison, Russell Jamison, Jessie Jamison, Raywood Jamison, Mattie Anderson, Sallie Jamison and Effie Jamison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*Tamie Bixby.*  
Chairman.

Registered.

M.C.R. 6888

COPY.

Muskogee, Indian Territory, August 27, 1904.

Haywood Jamison,

Fallis, Oklahoma.

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Pleasant et al., of which you were advised by registered mail on the 31st day of October, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

L 5

No.

6888

6888  
FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 10 1902

Name

Waywood Jamison

Age

37 Blood 1/8

Post Office,

Fallis, Okla.

Father

Albert Jamison ✓

Mother:

Patsy ✓

Claims through

Mother

Claims for self alone

Children:

Stenographer

C. A. Dippert

Haywood, Jameson

RECEIVED DEPARTMENT:  
Nov 16 1903

405

SECTION

REFER TO M. C. R.

Choctaw MCR 6889

Herod Townsend

MCR 6889

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., March 11, 1903.

In the matter of the application for identification as Mississippi Choctaws of Herod Townsend, for himself, and for his four minor children, Bessie, Chester, Emma and Cecil Townsend.

Herod Townsend being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Herod Townsend.  
Q What is your age? A 27 years.  
Q What is your postoffice address? A McCormack, Kentucky.  
Q How long have you lived at McCormack, Kentucky? A I have been there about 7 years.  
Q Where did you live before that? A Estill county, Kentucky.  
Q Were you born in Kentucky? A Yes sir.  
Q Always lived in Kentucky? A Yes sir.  
Q Never made your home in any other state? A No sir.  
Q What is your father's name? A William Townsend.  
Q Is your father living? A No sir.  
Q State your mother's name? A Nancy Townsend.  
Q Is your mother living? A No sir.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Through my father.  
Q How much Choctaw blood do you claim? A I claim 1/16.  
Q How old would your father be if he were living now? A He would be about 56 years old.  
Q Where was your father born? A Born in Kentucky.  
Q Always lived in Kentucky? A Yes sir.  
Q Through which one of his parents did your father claim his Choctaw blood? A His father.  
Q What is his father's name? A Garrett Townsend.  
Q What was his mother's name? A Sallie M. Townsend.  
Q Your father's mother claimed no Choctaw blood did she? A No sir.  
Q Your father claimed his Choctaw blood through his father? A Yes sir.  
Q Do you know where Garrett Townsend was born? Indeed, I do not--in Kentucky though.  
Q Do you know how old he would be if living now? A No sir.  
Q Did your father have any older brothers? A No sir.  
Q Your father was the oldest? A Yes sir.  
Q Through which one of his parents did Garrett Townsend claim his Choctaw blood? A Mother.  
Q What was his mother's name? A Susan Townsend, I believe.  
Q What was his father's name? A Jim Townsend.  
Q Jim Townsend had no Choctaw blood? A Well, I don't know.  
Q You never hear that he had? A No sir.  
Q Susan Townsend was living in Kentucky and the head of a family in 1830, was she not? A I can't say.  
Q Your family history teaches you that she was? A Yes sir.  
Q Through which one of her parents did Susan Townsend derive her Choctaw blood? A I don't know.  
Q That is as far back as you can trace your ancestry? A Yes sir.  
Q Has your father, through whom you claim your right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory? by the Choctaw tribal authorities or the authorities of the United States? A No sir.  
Q Were your father and mother legally married? A Yes sir.

- Q Where did they marry? A They married in Estill county, Kentucky.
- Q When were they married? A I disremember.
- Q Were they married under a license? A Yes sir.
- Q Do you know who performed the marriage ceremony? A No sir.
- Q Have you any evidence of their marriage with you at this time? A No
- Q You will be allowed 30 days from this date in which to furnish proper evidence of the marriage of your father and mother. It will be necessary for you to furnish the Commission with this information. Are you married? A Yes sir.
- Q What is your wife's name? A Lizzie Townsend.
- Q Is she living? A Yes sir.
- Q She is a white woman? A Yes sir.
- Q Claims no Choctaw blood? A No sir.
- Q You make no claim for her? A No sir.
- Q Have you any minor children? A Yes sir.
- Q For whom you wish to make application? A Yes sir.
- Q What are their names and ages, please? A Bessie.
- Q How old is Bessie? A 5 years. Chester Townsend.
- Q How old is Chester? A 3 years
- Q Next? A Emma.
- Q How old is Emma? A Little over a year old. Cecil
- Q How old is Cecil? A About 2 months.
- Q Is Cecil a boy? A Yes sir.
- Q What is the name of their mother? A Lizzie.
- Q These children claim their Choctaw blood through you? A Yes sir.
- Q Their mother has no Choctaw blood? A No sir.
- Q This application is for yourself and four minor children? A Yes sir.
- Q When were you married to Lizzie Townsend? A In 1897.
- Q Where were you married? A Married in Powell county, Kentucky.
- Q Married under a license? A Yes sir.
- Q Who performed the marriage ceremony? A Thomas Howell.
- Q A minister of the gospel? A Yes sir.
- Q Have you your marriage license and certificate with you at this time? A No sir.
- Q It will be necessary for you to furnish the Commission with proper evidence of your marriage to Lizzie Townsend in support of the application you make in behalf of your four minor children for identification as Mississippi Choctaws.. This evidence should be furnished within thirty days from this date. Is your name or the names of any of your minor children for whom you make application to be found upon any of the tribal rolls of the Choctaw nation in Indian Territory? A No sir.
- Q Did you or did any for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe for yourself and children? A No sir.
- Q Did you or did anyone for you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you or have any of your minor children ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself or any of your minor children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of that tribe? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and your four minor children under the provisions of the 14th article of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit

Creek? A I think so.

Q Article 14 of the treaty of Dancing Rabbit Creek reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not entitled to any portion of the Choctaw annuity." You understand that article thoroughly, do you? A Yes sir.

Q What is the name of your Choctaw ancestor who lived in 1830, when the treaty of Dancing Rabbit Creek was made, and the head of a family at that time? A Susan Townsend.

Q Did Susan Townsend ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q What relation was Susan Townsend to you? A Great grandmother.

Q Was Susan Townsend living in the old Choctaw nation in Mississippi and Alabama in the year 1830, when the treaty of Dancing Rabbit Creek was made? A I don't know.

Q Don't you know that she was living in Kentucky? A Yes sir.

Q That is the history of your family, that she was living in Kentucky in 1830? A Yes sir.

Q Was Susan Townsend a recognized member of the Choctaw tribe of Indians at that time? A Yes sir.

Q How was she so recognized? A By her parents, I suppose.

Q You know of no recognition that she obtained from the authorities of the Choctaw nation or from the United States, do you? A No sir.

Q When you say that she was recognized as a member, you simply mean that she was supposed to have Indian blood? A Yes sir.

Q Did Susan Townsend own any improvements in 1830 upon what constituted the old Choctaw nation in Mississippi and Alabama? A I don't know.

Q Did Susan Townsend remove from the old Choctaw nation in Mississippi to the present Choctaw nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q You never heard that she removed to the Indian Territory? A No sir.

Q Your understanding has been that she always lived in Kentucky?

A Yes sir.

Q Did Susan Townsend within six months from the ratification of the treaty of Dancing Rabbit Creek, signify to the agent of the government in Mississippi at that time, her intention to remain in Mississippi and become a citizen of the states in accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q You never heard that she did? A No sir.

Q Did Susan Townsend ever claim or receive any land in Mississippi from the government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q You never heard that she obtained any land there under that treaty?

A No sir.

Q If she had done so, don't you think you would have heard something about it? A I think so, yes.



4-Herod Townsend.

- Q In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register the names of a great many Choctaws who really did signify to him their intention to remain in Mississippi, take land and comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek. On this account in many instances, the land upon which Choctaws had improvement, and which they desired to have reserved for them, was sold by the government at its public land sales, and the Indians deprived of their land. This caused a great many complaints among the Choctaws and finally the matter was brought to the attention of Congress, and Congress, by acts passed in 1837 and 1842, created commissions with power to go to Mississippi and hear the claims of Choctaws who might claim that they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek but who had received no benefits thereunder. These commissions were duly appointed and went to Mississippi and heard the claims of a great many Choctaws. Did Susan Townsend appear before either of these commissions appointed under the acts of Congress of March 3, 1837 or August 23, 1842 and attempt to establish rights under the 14th article of the treaty of 1830? A Not that I know of.
- Q You never heard that she did? A No sir.
- Q The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government that he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana and Arkansas, to be taken from vacant government land, and that a certificate therefor should be given him. These certificates were called scrip. Did Susan Townsend ever receive any scrip from the government of the United States under the provisions of this act of Congress? A Not that I know of.
- Q So far as you know, was Susan Townsend ever a recognized member of the Choctaw tribe of Indians? A Yes sir.
- Q How was she so recognized? A She was recognized by the tribe, I suppose it was.
- Q In Kentucky? A Yes sir.
- Q At the time this supposed recognition took place was she living in Kentucky? A I believe so, yes.
- Q You know of no recognition that she obtained from the government of the United States or the Choctaw tribal authorities in Mississippi, do you? A No sir.
- Q So far as you know did Susan Townsend ever receive any benefits whatever as a Choctaw Indian? A No sir.
- Q Have you any witnesses you want to introduce today? A No sir.
- Q Have you any documentary evidence to present? A No sir.
- Q Do you desire to offer evidence in support of your application at a later date? A Yes sir.
- Q You will be allowed thirty days from the date of this application in which to present evidence in support of your application. No extension of the time so allowed will be granted.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Did your father speak or understand the Choctaw language? I don't think so.
- Q Are there any further statements that you desire to make at this time? A No sir.
- Q Have you any brothers living? A Yes sir.
- Q What are their names? A Henry, Thomas and Garrett Townsend.
- Q Have any of these brothers appeared before the Commission? A One.
- Q Garrett? A Yes sir.

5-Herod Townsend.

- Q He made application yesterday? A Yes sir.  
Q Have any other relatives of yours appeared before the Commission prior to this time? A Yes sir.  
Q Name some of them? A Francis Townsend, Shug Townsend, Lewis Townsend, Shelton Townsend, Allan Townsend, Jesse Townsend, Mary Davis.  
Reference is made to the case of Mary Davis, M. C. R. 6861 for the purpose of consolidation.

This applicant has the appearance of being a white man. Show no indication of being possessed of Choctaw blood. Blue eyes and light hair and the features and characteristics of a white man. He knows of no compliance on the part of his ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

*Frances R. Lane*

Subscribed and sworn to before me this March 18, 1903.

*John E. Fieber*  
Notary Public.

M C R 6889

Muskogee, Indian Territory, November 12, 1903.

Herod Townsend,

McCormack, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received, or extension of time granted.

Respectfully,

Chairman.

H.C.R. 6978  
H.C.R. 6861  
H.C.R. 6889  
H.C.R. 6933

Muskogee, Indian Territory, April 4, 1904.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of March 30, 1904, in which you ask that the Commission furnish you copies of the oral testimony of Thomas, Garrett and Herod Townsend, given at the time of the making of their application for their identification as Mississippi Choctaws. Also the testimony of Mary Davis, an applicant for identification as a Mississippi Choctaw. You also ask if the application of Thomas, Herod and Garrett Townsend has been passed upon by the Commission.

In reply you are advised that copies of such testimony are herewith enclosed you, and you are further advised that up to the present time no decision has been rendered by the Commission relative to the rights of these persons to be identified as Mississippi Choctaws.

Respectfully,

JYM-7.

Commissioner in Charge.

COPY:

Muskogee, Indian Territory, September 16, 1904.

Herod Townsend,

McCormack, Kentucky.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your four minor children, Bessie Townsend, Chester Townsend, Emma Townsend and Cecil Townsend.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James Dixby.*

Chairman.

Registered.

MCR-6889

Muskogee, Indian Territory, October 5, 1906.

Harold Townsend,  
McGormack, Kentucky.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of September 16, 1904, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Henry C. Townsend et al., of which the application for the identification of yourself and your four minor children, Bessie, Chester, Emma and Cecil Townsend, is a part.

Respectfully,

Commissioner.

Y 6889

No.

6889

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 11 1903

Name

Herrod Townsend

Age

27

Blood

$\frac{1}{16}$

Post Office,

McCormack, Ky

Father:

William Townsend, D.

Mother:

Nancy Townsend, D.

Claims through

father

Wife:

Lizzie Townsend L.

(No claim for her,

Children:

Bessie Townsend 5

Chester " 3

Emma " 1

Creil " 2 mo.

Claims for self & 4 children

Stenographer

Francis R Lane.

A MISSISSIPPI CHOCTAW.

*Herod Townsend*

DECISION RENDERED

SEP 16 1904

REFUSED. SEP 16 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

SEP 16 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

SEP 16 1904

RECORD FORWARDED DEPARTMENT. OCT 1 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 19 1906

DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

OCT - 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

OCT - 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

OCT - 5 1906



Choctaw MCR 6890

Charley Dickson

MCR 6890

M.C.R. 6890.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., March 11, 1903.

In the matter of the application for identification as a Mississippi Choctaw of Charley Dickson (Female)

Charley Dickson being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Charley Dickson.  
Q What is your age? A 21 years.  
Q What is your postoffice address? A Mount Pleasant, Texas.  
Q How long have you lived at Mt. Pleasant, Texas? A I have lived there since December.  
Q Where did you live before that? A Texarkanna, Texas.  
Q Have you always lived in Texas? A Yes sir.  
Q You never made your home in any other state? A I lived in Arkansas a few months.  
Q You never lived in Mississippi? A No sir.  
Q Or in the Indian Territory? A No sir.  
Q What is your father's name? A Arthur Miller.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Ellen.  
Q Is she living? A No sir.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Through my father.  
Q How much Choctaw blood do you claim? A 1/16.  
Q How old is your father? A I don't know; he made his testimony yesterday afternoon.  
Q Through which one of his parents did your father claim his Choctaw blood? A Father.  
Q What was his father's name? A Martin Miller.  
Q Is Martin Miller living? A No sir.  
Q What was your father's mother's name? A I don't know.  
Q Did she possess any Choctaw blood? A No sir.  
Q Through which one of his parents did Martin Miller claim Choctaw blood?  
A Father.  
Q What was his father's name? A Thomas Miller.  
Q Do you know the name of Martin Miller's mother? A Susanna Miller.  
Q Then your grandfather, Martin Miller claimed his Choctaw blood through his mother, Susanna Miller instead of through his father? A Yes sir.  
Q And Susanna Miller is the ancestor through whom you claim the right to identification as a Mississippi Choctaw? A Yes sir.  
Q How much Choctaw blood did Susanna Miller possess? A Full blood.  
Q Do you know what her father's or mother's name was? A She was an Arthur before she was married.  
Q Do you know whether she had any Choctaw name? A I do not.  
Q Has your father through whom you claim right to identification as a Mississippi Choctaw, ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? A No sir.  
Q Where was your father born? A He was born in Texas.  
Q Always lived in Texas? A Yes sir.  
Q Do you know where Martin Miller, your father's father, was born?  
A In Mississippi I think.  
Q Do you know what part of Mississippi? A I do not.  
Q Do you know whether Susanna Miller, the ancestor through whom you claim the right to identification as a Mississippi Choctaw, was born

2-Charley Dickson.

- in Mississippi? A I don't know.
- Q Do you know where he lived? A They lived in Mississippi.
- Q Did he die in Mississippi? A I don't know.
- Q Were your father and mother legally married? A Yes sir.
- Q Where did they marry? A In Mt. Vernon, Texas.
- Q When were they married? A I don't know.
- Q Were they married under a license? A Yes sir.
- Q Who performed the marriage ceremony? A I don't know.
- Q Have you ~~their~~ marriage license and certificate with you at this time?
- A No, my father told you a few minutes ago that he would go and try and get that fixed up.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A William W. Dickson.
- Q Is he living? A Yes sir.
- Q He is a white man? A Yes sir.
- Q He makes no claim to Indian blood? A No sir.
- Q And you make no claim for him? A No sir.
- Q When were you married? A 1902.
- Q What day of the month? A 10th of December.
- Q Where were you married? A Mt. Pleasant.
- Q Who performed the marriage ceremony? A N. A. Seal.
- Q A minister of the gospel? A Yes sir.
- Q You have no children? A No sir.
- Q This application is just for yourself? A Yes sir.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw nation in Indian Territory? A No sir.
- Q Did you or did anyone for you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a citizen of the Choctaw nation? A No sir.
- Q Did you or did anyone for you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress approved June 10, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw nation by the tribal authorities, the Commission to the Five Civilized Tribes, or the United States court in the Indian Territory? A No sir.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty between the United States government and the Choctaw tribe of Indians, concluded in Mississippi on the 27th day of September, 1830? A Yes sir.
- Q Do you understand the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand it sufficiently to claim under it? A I think I do.
- Q The 14th article is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they remove are not entitled to any

portion of the Choctaw annuity". What is the name of your Choctaw ancestor who was living in Mississippi and the head of a family in the year 1830 when the treaty of Dancing Rabbit Creek was made?

A Susanna Miller.

Q What relation is Susanna Miller to you? A Great Grandmother.

Q Did Susanna Miller ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A She attempted to but didn't get to I guess.

Q Do you know how she attempted to comply with the provisions of that article? A I don't know - she went to register and said the man was drunk--so I heard.

Q Was that directly after the treaty of Dancing Rabbit Creek was ratified? A I don't know just when it was.

Q Was Susanna Miller living in the old Choctaw nation in Mississippi and Alabama in the year 1830, when the treaty of Dancing Rabbit Creek was made? A I suppose so.

Q You don't know that she was? A No, only what I have heard.

Q What do you know- what have you heard about that ~~F2125711178~~ as a member of the Choctaw tribe of Indians? A Not much.

Q Have you ever heard that she was recognized by the government of the United States or by the authorities of the Choctaw nation as a member of the tribe? A No.

Q Did Susanna Miller own an improvement at that time upon what constituted the old Choctaw nation in Mississippi and Alabama? A I don't know.

Q Did Susanna Miller remove from the old Choctaw nation in Mississippi and Alabama to the present Choctaw nation, Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir.

Q She never came to the Indian Territory, did she? A No sir.

Q Did Susanna Miller, within six months from the ratification of the treaty of Dancing Rabbit Creek, signify to the agent of the government in Mississippi at that time her intention to remain in Mississippi and become a citizen of the states as is provided in article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q What have you heard about Susanna Miller going to the Indian Agent within six months of the ratification of the treaty of 1830 and claiming land in Mississippi? A I don't know anything about that.

Q Have you ever heard that she did? A No, I only heard that she went to register and was prevented.

Q You don't know when that was? A No sir.

Q You don't know whether it was within six months from the ratification of the treaty of Dancing Rabbit Creek? A No sir.

Q You don't know to whom she went to register, as you say? A No, I don't; my father knows.

Q Did Susanna Miller ever claim or receive any land in Mississippi from the government of the United States under the provisions of the 14th article of the treaty of 1830? A I don't know.

Q In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaws who desired to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed in a great many instances to record the names of Choctaws who really did signify to him their intention to remain in Mississippi and comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek. On this account the land upon which many Choctaws lived and had improvements and which they desired reserved for them under the provisions of article 14 of the treaty of Dancing Rabbit Creek, were sold by the government at its public land sales and the Choctaws deprived of their land. This caused a great many complaints among the Choctaws and finally the matter was brought

4-Charley Dickson.

to the intention of Congress, and Congress by acts passed in 1837 and 1842, created commissions who went to Mississippi and heard the claims of Choctaws arising under the 14th article of the treaty of Dancing Rabbit Creek. These Commissions heard a great number of claims and made report to Congress. Do you know whether Susanna Miller, your Choctaw ancestor, ever appeared before the Commission appointed under the act of Congress approved March 3, 1837, or before the commission appointed August 23, 1842, and attempted to establish her rights under that article? A I don't know.

- Q The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article 14 of the treaty of 1830, but that his land had been sold by the government, he should be entitled to select lands elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip. Did Susanna Miller ever receive any such scrip from the government of the United States under the provisions of this act of Congress? A No sir.
- Q So far as you know was Susanna Miller ever a recognized member of the Choctaw tribe of Indians in Mississippi? A I don't know.
- Q So far as you know did Susanna Miller ever receive any benefits whatever as a Choctaw Indian? A No sir.
- Q Have you any witnesses before the Commission that you desire to call today? A No, I guess not.
- Q Have you any documentary evidence to introduce at this time? A No sir.
- Q Do you desire time in which to introduce evidence in the future? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Does your father speak or understand the Choctaw language? A No sir.
- Q Are there any further statements that you desire to make? A No, I guess not.
- Q What relatives of yours have appeared before the Commission within the last two days to make application? A Arthur Miller, my father, and I had two relatives who came here two months ago. Cornelia A. Smith, and William Miller.

This case will be consolidated with that of Cornelia A. Smith, M. C. R. 6642

This applicant has the appearance of being a white woman and shows no indication of being possessed of Choctaw blood. Dark complexion, dark eyes, dark brown hair. Knows of no compliance on the part of her ancestors with the provisions of article 14 of the treaty of 1830.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

*Frances R. Lane*

Subscribed and sworn to before me this March 18, 1903.

*John L. Lieber*

Notary Public.

M C R 6890

Muskogee, Indian Territory, April 7, 1903.

Mrs. Will W. Dickson,  
Mt. Pleasant, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing the affidavit of J. E. Carr, and that of A. J. Moulton, relative to the marriage between Arthur Miller and Ella Johnson offered in support of the application made by you for identification as a Mississippi Choctaw. The same have been filed with the record in your case.

Respectfully,

COPY

M.C.R. 6890

Muskogee, Indian Territory, March 14, 1904.

Charley Dickson,

Mount Pleasant, Texas.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on March 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Cornelia A. Smith, et al., including you.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*T. D. Phillips*  
Commissioner in Charge.

Registered.



H.C.R. 6890

Muskogee, Indian Territory, September 26, 1904.

Charley Dickson,

Mount Pleasant, Texas.

Dear Sir:

You are hereby notified that on the 24th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission, refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of Cornelia A. Smith et al., of which decision you were advised by registered mail on the 14th day of March, 1904.

Respectfully,

Chairman.



6890

No.

6890

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 11 1903

Date

Name

Charley Dickson (F)

Age

21.

Blood

1/16

Post Office.

Mount Pleasant, Texas.

Father:

Arthur Miller L

Mother:

Ellen Miller D.

Claims through

Father

Husband

William W. Dickson L

No claim for him

~~Children.~~

(Claims for Self

alone)

Stenographer

Frances R. Lane

A MISSISSIPPI CHOCTAW

*Charley Dickson*  
**REFUSED.**

DECISION RENDERED. MAR 14 1904  
NOTICE OF DECISION FORWARDED  
APPLICANT

FORWARDED ATTORNEY  
FOR APPLICANTS.

RECORD FORWARDED DEPARTMENT

MAR 14 1904  
ACTION APPROVED BY  
SECRETARY OF INTERIOR

AUG 24 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APR 1 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

SEP 20 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

SEP 21 1904

REFER TO M. C. R.

Choctaw MCR 6891

Emaline Stamper

MCR 6891

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, I. T., March 10, 1903.

M.C.R. 6891.

In the matter of the application for identification as Mississippi Cheetaws of Emaline Stamper, for herself and her four minor children, Arthur, Nemie, Benjamin Harrison and Ulysses S. G. Stamper.

Emaline Stamper being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Emaline Stamper.  
Q How old are you? A 52 years.  
Q What is your postoffice address? A Patsy, Estill county, Kentucky.  
W How long have you lived in Ky.? A All my life.  
Q Born in Kentucky? A Yes sir.  
Q You have never lived any place else? A No sir.  
Q What is your father's name? A Wesley Horn.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Susan Horn.  
Q Is she living? A No, she is dead.  
Q Through which one of your parents do you claim Cheetaw blood? A My mother  
Q How much Cheetaw blood did your mother possess? A  $1/4$  I believe.  
Q You claim  $1/8$ ? A Yes sir.  
Q How old would your mother be if she were living now? A She would be - I don't remember ages - between 74 and 75; about that to the best of my knowledge.  
Q What was your mother's father's name? A James Townsend.  
Q What was your mother's mother's name A Before she was married, do you mean?  
Q Before or afterwards; it don't matter. A Susan Townsend.  
Q What was her maiden name? A Susan Robinson.  
Q Then Susan Robinson is the ancestor through whom you claim your right to identification as a Mississippi Cheetaw? A Yes sir.  
Q She was living in 1830, was she? A Yes sir.  
Q Your grand mother Susan Robinson was living in 1830 and was the head of a family at that time? A I don't remember.  
Q You say your mother, if living, now, would be 74 or 75 years old?  
A Yes sir.  
Q So she was born prior to 1830? A I suppose she was.  
Q When did your grandmother, Susan Townsend die? A She died about '62 or '63.  
Q Had your mother, through whom you claim your right to identification as a Mississippi Cheetaw, ever been recognized in any manner, or enrolled as a member of the Cheetaw tribe of Indians in Indian Territory, by the Cheetaw tribal authorities or the authorities or by the authorities of the United States? A I don't know.  
Q Did she ever live in Indian Territory? A She was born and raised there I suppose.  
Q In Indian Territory? A Yes sir.  
Q You mean in Mississippi or Alabama, don't you? A That's where she was raised.  
Q Did she ever live in the Indian Territory? A Not that I know about; I don't know.

- Q Where was your grandmother born? A I can't say; I can't answer the question.
- Q Do you know what state she was born in? A It was in Mississippi somewhere, by the Big Thomas river, which you was speaking of somewhere.
- Q Do you know how long she lived in Mississippi? A No, I don't know.
- Q Do you know where she was living when your mother was born? Do you know where your mother was born? A She was born in Kentucky.
- Q Did your grandmother, after your mother was born, live in the state of Mississippi again? A I don't know.
- Q Did your mother ever live in Mississippi? A No sir.
- Q You know, as a matter of fact, don't you, that your grandmother did not live there after your mother was born? A I think not.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Richard Stamper.
- Q Is he living? A Yes sir.
- Q Is he a white man? A Yes sir.
- Q You make no claim for him? A No sir.
- Q Have you any children under 21 years of age and unmarried for whom you wish to make application? A Yes sir.
- Q What are their names? A Arthur.
- Q How old is Arthur? A 17 years old.
- Q The next one? A Nemie
- Q How old is Nemie? A 15 years old.
- Q The next one? A Benjamin Harrison.
- Q How old is Ben? A He is 18 years old.
- Q Name of the next one? A U. S. Grant.
- Q What is the first name? Ulysses S.G. Stamper? A Yes sir
- Q How old is Ulysses? A He is 10 years old, minor.
- Q That's all the children? A That is all the children I have living.
- Q You make application for yourself and four minor children? A Yes sir.
- Q You are the mother of all these children? A Yes sir.
- Q What is the name of the father? A Richard Stamper.
- Q When were you married to Richard Stamper? A 1869.
- Q Where was the marriage ceremony performed? A Estill Co., Kentucky.
- Q Have you any children over 21 years of age and or married? A Yes sir
- Q What are their names? A Nettie Fuget.
- Q Has she any children? A Yes, two.
- Q What are their names? A William Fuget.
- Q What is the other one? A Clarence.
- Q Is her husband a white man? A Yes, claims to be.
- Q What is the name of the other children ever age or married?  
A Lewis Townsend.
- Q Is he married? A Yes sir.
- Q Is his wife a white woman? A Yes sir.
- Q Has he any children? A Yes sir, two.
- Q What are their names? A Nemie and Enoch.
- Q Have you any other children? A Yes, several more. John Wesley, Nannie, Ludiecy, William Martain and Hattie. That is all.
- Q Are all these children married? A Yes sir.
- Q How many children has John Wesley? Stamper? A Six I believe.
- Q Do you know their names? A No sir, I can't call all of them.
- Q How many children has Nannie? A One.
- Q What is the name of Nannie's husband? A John Arnold
- Q Is he a white man? A Yes sir.
- Q How many children has she? A One
- Q What is its name? A I don't remember its name.
- Q What is the name of Ludiecy's children husband? A Jim Bailey.
- Q Have they any children? A Two.
- Q Do you know their names? A Mary and Orvin.
- Q Is William M. Stamper's wife a white woman? A Yes sir.
- Q Have they any children? A Yes sir.
- Q How many? A Two.

8-Stampers.

- Q Give their names? A Earnest and Earl.
- Q Has Hattie any children? A Yes, two.
- Q What is her husband's name? A William Willis.
- Q What are the names of her children? A Stanley and Rena May.
- Q Is your name or the names of any of your minor children for whom you make application to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you or did anyone for you or for your minor children, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A I don't know.
- Q Did you ever apply to the tribal authorities here to be enrolled for yourself? A No sir.
- Q Did you or anyone for you or your minor children in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress approved June 10, 1896? A No sir.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States court in Indian Territory? A No sir.
- Q Have you ever made application prior to this time for yourself or any of your minor children to either the Choctaw tribal authorities or the authorities of the United States to be enrolled or admitted as citizens of the Choctaw nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these minor children under the provisions of the 14th article of the treaty between the United States and the Choctaw Indians concluded at Dancing Rabbit Creek in Mississippi on September 27, 1830? A Yes.
- Q Do you understand the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I don't know as I knew it all thoroughly.
- Q The 14th article reads as follows:
- "Each Choctaw head of a family, being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not entitled to any portion of the Choctaw annuity." Do you think you understand that article now? A Yes sir.
- Q Did Susan Townsend, your Choctaw ancestor, who was living and the head of a Choctaw family in 1830, ever comply or attempt to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Was Susan Townsend living in the old Choctaw nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know that.
- Q Don't you know that she was not living there? A I can't answer; I don't know.
- Q Don't you know that your mother was born in Kentucky prior to 1830, and lived there all her life? A That is I suppose, where she lived.
- Q You don't know that your grandmother ever lived in Mississippi after your mother was born? A No, I don't think she did.

4-Stamper.

- Q Was Susan Townsend a recognized member of the Choctaw tribe of Indians in 1830? A I don't know about that; her mother was my great grandmother.
- Q I am not talking about your great grandmother. A I don't know.
- Q Did Susan Townsend own any improvement at that time upon what constituted the old Choctaw nation in Mississippi and Alabama? A I don't know.
- Q Did Susan Townsend remove from the old Choctaw nation in Mississippi to the present Choctaw nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A She did not.
- Q Did Susan Townsend, within six months from the ratification of the treaty of 1830 (that treaty was ratified February 24, 1831), signify to the agent of the government in Mississippi, her intention to remain in Mississippi and become a citizen of the states as is provided in article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did she ever claim or receive any land in Mississippi from the government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did signify to him their intention to remain in Mississippi and take advantage of the provisions of article 14 of the treaty of Dancing Rabbit Creek. On this account in many instances the land on which many Indians had improvements and which they desired reserved for them under said article 14, was sold by the government at its public land sales and the Choctaws were deprived of their land. This action of the government caused many complaints by the Choctaws, and finally the matter was brought to the attention of Congress, and Congress passed an act which was approved March 3, 1837, and another approved August 23, 1842, providing for the appointment of Commissions whose duty it should be to go to Mississippi and hear evidence in cases where Choctaws might claim that they complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but had not received land thereunder. Did Susan Townsend appear before either of these commissions appointed under the acts of Congress approved March 3, 1837, or August 23, 1842, and attempt to establish her rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article 14 of the treaty of 1830, and that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip. Did Susan Townsend ever receive any scrip from the government of the United States under this act of Congress? A I don't know; not as I know of.
- Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I don't know.
- Q So far as you know did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A Not that I knew of.
- Q Have you any witnesses before the Commission that you desire to introduce? A No, not any.



5-Stamp.

- Q Have you any written evidence that you desire to offer at this time?  
A No sir.  
Q Do you desire time in which to offer evidence in support of your application? A Yes sir.  
Q You will be allowed until the 24th day of March, 1903 in which to present such evidence as you desire in support of this application. Have you any further statements that you wish to make? A No sir.  
Q Do you speak or understand the Choctaw language? A No sir.  
Q Did your mother speak or understand the Choctaw language? A I don't know whether she did or not; she could speak the Choctaw language.  
Q How do you know? A I remember hearing her talk.  
Q Do you know the Choctaw language when you hear it spoken? A No sir.  
Q How do you know she was speaking Choctaw? A That's what she said. I know when I hear it here. I have heard them come in here and speak the Choctaw language; I know it was that.

This applicant has the appearance of being a white woman, and shows no indications of possessing Choctaw blood. Light complexion and light grey eyes; hair now grey, formerly dark brown. She knows of no compliance on the part of her ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek.

- Q Have you any brothers living? A Yes sir, three.  
Q What are their names? A John Horn; Huston Horn and Sidney Horn.  
Q Any sisters living? A I have two sisters. One is living in Texas--I don't know whether she is living or not.  
Q What are their names? A Nancy.  
Q Nancy what? A McQueen.  
Q What is the next one? A Louisa.  
Q What is her married name? A She isn't married.  
Q Has your mother any brothers living? A Yes, she has one brother living.  
Q What is his name? A William Townsend.  
Q Has he been before the Commission to make application? A No, I suppose not.  
Q Have you any relatives who have been before this Commission prior to this time to make application for identification as Mississippi Choctaws? A Yes, I suppose I have.  
Q What are their names? A Mary Davis.

This case will be consolidated with the case of Mary Davis, M. C. R. 6861.

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Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause on the 10th day of March, 1903, and that the foregoing is an accurate transcript of her stenographic notes thereof.

*Frances R. Lane*

Subscribed and sworn to before me this March 16, 1903.

*John R. Lieber*

Notary Public.



M C R 6891

Muskogee, Indian Territory, November 12, 1903.

Emaline Stamper,

Patsey, Kentucky.

Dear Madam:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 16, 1904.

Emaline Stamper,

Patsy, Kentucky.

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your four children, Arthur Stamper, Nemie Stamper, Benjamin Harrison Stamper and Ulysses S. Grant Stamper.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.

NCR-6891.

Muskogee, Indian Territory, October 5, 1906.

Reoline Stager,

Patsy, Kentucky.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on September 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of September 16, 1904, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Henry C. Townsend et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

3 6891

No. R. 6891

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 10 1903

Name Emaline Stamper

Age 52. Blood 1/8

Post Office, Patsy, Ky

Father: Wesley Horn L

Mother: Susan Horn D.

Claims through Mother (1/4)

Richard Stamper L  
No claim for him

Children:

Arthur Stamper 17

Nemie " 15

Ben L. " 12.

Ulysses S.G. " 10.

(Claims for self and 4  
children)

Stenographer Frances Lane

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

P. 689

*Emaline Stamper et al*

DECISION RENDERED

SEP 16 1904

REFUSED.

SEP 16 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

SEP 16 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

SEP 16 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

SEP 16 1904

RECORD FORWARDED DEPARTMENT. OCT 19 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 19 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

OCT - 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

OCT - 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 19 1906

SEP 16 1904

Choctaw MCR 6892

Edna Childers

MCR 6892

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.  
Muskegee, I. T., March 10, 1903.

In the matter of the application for identification as Mississippi Choctaws of Crittenden Childers, for his two minor children Edna Childers and Sarah Childers.

Crittenden Childers, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Crittenden Childers.
- Q What is your postoffice address? A Campton, Kentucky.
- Q What is the object of your appearing before the Commission at the present time? A To make application for my two children.
- Q What are the names of your children? A Edna Childers.
- Q How old is Edna? A Eight years old.
- Q What is the name of the other one? A Sarah Childers.
- Q How old is Sarah? A Five.
- Q These children claim Choctaw blood through their mother? A Yes sir.
- Q Is their mother living? A No sir.
- Q What is their mother's name? A Elizabeth Bush was her maiden name.
- Q Elizabeth Childers? A Yes sir.
- Q How long has she been dead? A Two months.
- Q You claim no Choctaw blood yourself? A No, only claim for my children.
- Q How old would Elizabeth Childers be if living now? A 28 years old.
- Q Through which one of her parents did she claim Choctaw blood? A Through her mother.
- Q What was her mother's maiden name? A Sarah Pucket.
- Q Who did she marry? A W. L. Bush.
- Q Your wife's father had no Choctaw blood? A No sir.
- Q Through whom did Sarah Pucket claim her Choctaw blood? A Through her mother.
- Q Her mother was the daughter of Susan and James Townsend? Is that right?
- A That's right.
- Q How old would your wife's grandmother be if living now--or is she living? A She is not living. I don't know anything about her age. I never saw her.
- Q How much Choctaw blood did your wife have? A She claimed 1/4.
- Q And you claim 1/32 for the child? A Yes sir.
- Q Is Sarah Bush living? A No sir.
- Q Do you know how old she would be if living? A No sir. Somewhere about 30 years of age.
- Q This application is for your two minor children? A Yes sir.
- Q Was your deceased wife Elizabeth Childers ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the authorities of the United States? A No sir.
- Q Are the names of these two minor children for whom you make application, to be found upon any of the tribal rolls of the Choctaw nation in Indian territory? A Do I understand the question? Are their names to be found on the tribal rolls in Indian territory?
- Q Yes. A No, not that I know of.
- Q Was any application ever made to the Choctaw tribal authorities in Indian Territory for the enrollment of these children as members of that tribe? A No sir.
- Q Was any application made in the year 1896 to the Commission to the

2-Children.

Five Civilized Tribes for citizenship for these two minor children under the act of Congress approved June 10, 1896? A No sir.

Q Have these children ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.

Q Has any application ever been made prior to this time to either the Choctaw tribal authorities or the authorities of the United States for these children to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you appear before this Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for these two minor children under the provisions of the 14th article of the treaty between the United States and the Choctaw Indians concluded at Dancing Rabbit Creek in Mississippi, September 27, 1830? A Yes sir.

Q Do you understand the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I think I do.

Q That article reads as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not entitled to any portion of the Choctaw annuity. Do you understand that article? A I think so.

Q What is the name of the Choctaw ancestor of these two minor children who was living and the head of a family in 1830 when the treaty of Dancing Rabbit Creek was made? A Robinson.

Q What is the full name? A Lewis Robinson.

Q What relation was Lewis Robinson to Susan Townsend? A He was the father.

Q Susan Townsend was living in 1830, wasn't she, and the head of a family at that time? A I suppose she was; this is my best information.

Q Then Susan Townsend is the ancestor through whom these children would have to claim their right to identification as Mississippi Choctaws?

A Yes sir.

Q Did Susan Townsend ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A My information is that she attempted to comply, but didn't for some cause.

Q That Susan Townsend did? A That her husband did for her.

Q James Townsend? A Yes sir.

Q In what manner did he attempt to comply? A I think he came before the commission; it is only hearsay; he came before that commission to look after her interests, and he claimed them. She was married at that time and the head of a family and lived in Kentucky.

Q Sarah Townsend was married at that time and the head of a family living in the state of Kentucky? A Yes sir.

Q She was not, at the time this treaty of Dancing Rabbit Creek was made, - she was not living in the Choctaw nation in Mississippi and Alabama?

A No, her father and mother lived there.

Q Do you know in what manner her husband tried to obtain rights for her under this article? A I do not.

Q Do you know whether it was under the 14th article of the treaty of



- Dancing Rabbit Creek that he tried to obtain rights for Sarah Townsend? A That is my understanding, yes.
- Q Was Sarah Townsend a recognized member of the Choctaw tribe of Indians at that time? A I could not say.
- Q Did she own any improvement at that time in what constituted the old reservation in Mississippi and Alabama? A I don't know.
- Q Did Sarah Townsend remove from the old Choctaw nation in Mississippi to the present Choctaw Nation in Indian Territory at the time of the removal of a greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I think not.
- Q Did she ever live in the Choctaw nation, Indian Territory?
- A Well, I don't know whether she did. I suppose she lived somewhere in Mississippi or Alabama, and got over into Kentucky and was married there.
- Q Did Susan Townsend, within six months of the ratification of the treaty of Dancing Rabbit Creek, signify to Colonel Ward, the agent of the government in Mississippi at that time, her intention to remain in Mississippi and become a citizen of the states as is provided in article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Was Susan Townsend living in Mississippi in 1830? A She was not.
- Q Did you ever hear that she went to Mississippi shortly after the treaty of 1830? A I heard her husband did.
- Q Did you hear that she did, the question is. A No sir.
- Q Did you ever hear that she lived in Mississippi subsequent to the year 1830? A Yes, I heard she came to Mississippi.
- Q I say, after the year 1830? A No sir.
- Q Did Susan Townsend ever claim or receive any land in Mississippi from the government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.
- Q In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the government directed the agent in Mississippi to register the names of those Choctaws who desired to remain in Mississippi and become citizens of the states. The records of the government show that this agent failed in many instances to record the names of Choctaws who did signify their intention to remain in Mississippi and take advantage of article 14, and on this account the lands of many Choctaws were taken from them and sold by the government at its public land sales. This caused a great deal of complaint among the Choctaws and finally the matter was brought to the attention of Congress, and Congress passed acts in 1837, and 1842, appointing commissions who went to Mississippi to hear claims originating under article 14 of the treaty of Dancing Rabbit Creek. These Commissions went to Mississippi and heard a great many claims and made reports to Congress. Did Susan Townsend appear before either of these Commissions appointed March 3, 1837 and the act of Congress approved August 23, 1842, and attempt to establish her rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know anything about that.
- Q The act of Congress approved August 23, 1842, provided that in case it should be finally determined that the a Choctaw had complied with all the provisions of article 14 of the treaty of Dancing Rabbit Creek, and that his land had been sold by the Government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip. Did Susan Townsend ever receive any scrip from the government of the United States under this act of Congress? A No as I know of.
- Q So far as you knew, were any of the ancestors of these two children ever recognized members of the Choctaw tribe of Indians? A I think so.

4-Children.

- Q How? A Robinson's wife was a full blood Choctaw Indian.
- Q I am asking you if they were ever recognized by the Government as members of the tribe? A I think so.
- Q Of what did such recognition consist? A You will find that Louis Robinson registered here under article 14 for his wife and four children..
- Q Did Susan Townsend have a Choctaw name? A I don't know whether she did.
- Q So far as you know did any of the ancestors of these children ever receive any benefits whatever as Choctaw Indians? A I suppose part of them did and part of them didn't.
- Q Did Susan Townsend ever receive any benefits as a Choctaw Indian?
- A Not as I know of.
- Q Have you any witnesses to call in support of your application? A No, I haven't any witnesses.
- Q Any written evidence to offer? A No sir.
- Q Do you desire time in which to offer evidence in support of your application? A Yes sir.
- Q You will be allowed until the 24th day of March, 1903 in which to produce testimony in support of the application made for the identification of your two minor children as Mississippi Choctaws. Have you any further statements that you desire to make at this time? A None at all.
- Q What relation was the Lewis Robinson that you speak of to Susan Townsend? A He was her father.
- Q James Townsend, the husband of Susan Townsend, was a white man, was he not? A Yes sir.
- Q Are there any sisters of your wife living? A She has one living?
- Q What is her name? A Fanny Chester.
- Q Has she any children? A Yes sir.
- Q What are their names? A I declare, I couldn't tell you.
- Q How many has she? A Three.
- Q Are any brothers of your wife living? A Yes sir.
- Q How many--give their names? A John Bush, W. L. Bush, Walter Bush, Ned Bush, Jeff Bush, Joseph Bush, Rodney Bush.
- Q Are all these brothers married? A No sir.
- Q How many are married? A Two.
- Q Which ones are married? A John and Walter.
- Q Are their wives white women? A Yes, supposed to be.
- Q Have they any children? A One of them has four children.
- Q Which one? A John.
- Q Do you know the names of their children? A William, Bertie, the two others I don't remember.
- Q Have any relatives of your wife appeared before the Commission prior to this time? to make application for identification as Mississippi Choctaws? A Only in this case. Mary Davis.
- Q What relation is Etheline Stamper to your wife? A I don't know.
- Reference is made to the case of Mary Davis, M. C. R. 6861, for the purpose of consolidation.
- Q Could your wife speak the Choctaw language? A No sir.
- Q Could her mother speak the Choctaw language? A No sir.
- Q Could her grandmother speak the Choctaw language? A I never saw her grandmother.
- Q What was the personal appearance of your wife? A Very dark complexion, dark hair.
- Q Have you ever seen any Choctaw Indians? A Yes sir.
- Q Did she have the appearance of a Choctaw Indian? A I can't say she did.

-----

Frances R. Lane upon oath states that as stenographer to the

5-Childers.

Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the above and foregoing is an accurate transcript of her stenographic notes thereof.

*James R. Lane*

Subscribed and sworn to before me this March 16, 1903.

*John L. Stieber*

Notary Public.

W C R 6892

Muskogee, Indian Territory, November 12, 1903.

Crittenden Childers,

Campton, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of Edna Childers and her minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 6892

Muskogee, Indian Territory, December 8, 1903.

Crit Childers,  
Campton, Kentucky.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 1st instant, enclosing certified copy of marriage certificate between yourself and Elizabeth Bush, offered in support of the application made by you for the identification of your two minor children, Edna and Sarah Childers, as Mississippi Choctaws. The same has been filed with the record in this case.

Respectfully,

Chairman.

COPY. M.C.R. 6892

Muskogee, Indian Territory, September 16, 1904.

Crittenden Childers,  
Campton, Kentucky.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of your two minor children, Edna Childers and Sarah Childers.

You are further advised that said applicants will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

Registered.

MCR-6392.

Muskogee, Indian Territory, October 5, 1906.

Crittendon Childers,  
Campton, Kentucky.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of September 16, 1904, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Henry C. Townsend et al., of which the application made by you for the identification of your two minor children, Edna and Sarah Childers, is a part.

Respectfully,

Commissioner.

6892

No. R. 6892

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

MAR 10 1903

Name

Crittenden Childers

(for children)

of Childers

Age

Blood

7/32

Post Office,

Campton Ky

of Childers

Father:

Crittenden Childers, w.

Mother:

Elizabeth Childers D. M.

Childers

Claims through

mother

Children:

Edna Childers 8.

Sarah " 5.

Stenographer

Francis Lane



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 688

*Edna Childers et*

DECISION RENDERED

SEP 16 1904

REFUSED. SEP 16 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

SEP 16 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

SEP 16 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

SEP 16 1904

RECORD FORWARDED DEPARTMENT OCT 1 1904

ACTION APPROVED BY SECRETARY OF INTERIOR

SEP 19 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

OCT - 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

OCT - 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

OCT 1906

Choctaw MCR 6893

James Bush

MCR 6893

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., March 10, 1903.

In the Matter of the Application for Identification as a Mississippi  
Choctaw of James Bush.

James Bush being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A James Bush  
Q How old are you? A 30 years.  
Q What is your postoffice address? A Torrent, Kentucky.  
Q How long have you lived in Kentucky? A I was born and raised there.  
Q Lived there all your life? A Yes sir.  
Q Never made your home in any other state? A No sir.  
Q Is your father living? A No sir.  
Q What is his name? A John Bush.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Amanda Maloney.; she was married a second time.  
Q She was married since the death of your father? A Yes sir.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Through mother.  
Q How much Choctaw blood do you claim? A 1/16.  
Q Through which one of her parents did your mother claim her Choctaw  
blood? A Through her mother.  
Q What is her mother's name? A Manerva Pucket.  
Q Is she living? A No sir.  
Q How old would she have been if she were living now? A Well, sir, I  
don't know.  
Q How much Choctaw blood did she have? A Well, I can't say.  
Q Through which one of her parents did she claim Choctaw blood?  
A Her mother.  
Q What was her mother's name? A Susan Townsend.  
Q Susan Townsend was living and the head of a family in 1830, was she not?  
A I can't say.  
Q Wouldn't your family history teach you that? A Well, its further back  
than I can remember.  
Q Haven't you always understood that she was? A Yes.  
Q You have always understood that she was married prior to 1830 and was  
living in Kentucky in 1830? A Yes sir.  
Q How much Choctaw blood did Susan Townsend have? A Well, I suppose  
she was quarter or half.  
Q Was her husband a white man? A I think so.  
Q What was his name, do you remember? A Jim Townsend.  
Q Your family history and information would lead you to the conclusion  
that Susan Townsend was living in Kentucky and the head of a family in  
the year 1830 when the treaty of Dancing Rabbit Creek was made? A Yes.  
Q Has your father, through whom you claim your right to identification  
as a Mississippi Choctaw, ever been recognized in any manner, or en-  
rolled, as a member of the Choctaw tribe of Indians in Indian Terri-  
tory, by the Choctaw tribal authorities or the authorities of the  
United States? A No sir.  
Q How old is your mother at this time? A About 80.  
Q Are you married? A No sir.  
Q Have you ever been married? A Never have.  
Q This application is for yourself alone? A Yes sir.  
Q Is your name to be found upon any of the tribal rolls of the Choctaw  
nation in Indian Territory? A No sir.

2-James Bush.

Q Did you or anyone for you, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.

Q Did you or did anyone for you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress approved June 10, 1896?

A No sir.

Q Have you ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in Indian Territory? A No sir.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw nation? A No sir.

Q You appear before the Commission at this time for the purpose of claiming rights in Indian Territory under the provisions of the 14th article of the treaty between the United States government and the Choctaw nation concluded September 27, 1830? A Yes sir.

Q Do you understand article 14 of the treaty of 1830? A Yes sir.

Q Article 14 reads as follows:

"Each Choctaw had of a family being desirous to remain and become a citizen of the United States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not entitled to any portion of the Choctaw annuity." Do you think you understand this article thoroughly? A Yes sir.

Q Did Susan Townsend, your Choctaw ancestor who was living and the head of a family in 1830, ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A I don't know.

Q Was Susan Townsend living in the old Choctaw nation in Mississippi and Alabama in the year 1830, when the treaty of Dancing Rabbit Creek was made. A I can't say.

Q Don't you know that she was living in Kentucky at that time? A I reckon she was.

Q Your family history teaches you that she was married prior to 1830 and lived in Kentucky at that time? A Yes sir.

Q You have always had that idea? A Yes sir.

Q Was she a recognized member of the Choctaw tribe of Indians in 1830? A I don't know.

Q Did she own any improvement at that time upon what constituted the old Choctaw nation in Mississippi and Alabama? A I can't say.

Q Did Susan Townsend remove from the old Choctaw nation in Mississippi and Alabama to the present Choctaw nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1836? A I don't know.

Q Were any of your Choctaw ancestors ever in the Choctaw nation, Indian Territory? A I don't know, sir.

3-James Bush.

- Q Did Susan Townsend within six months from the ratification of the treaty of Dancing Rabbit Creek, signify to the agent of the government her intention to remain in Mississippi and become a citizen of the state as is provided in article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did Susan Townsend ever claim or receive any land in Mississippi from the government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q If she had received such land do you think you would have known it? A I couldn't say that I would.
- Q In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who desired to remain in Mississippi and become citizens of the United States. The records of the Government show that the agent failed to register and report to the government the names of many Choctaws who did signify their intention to remain in Mississippi and take advantage of the provisions of article 14 of the treaty of Dancing Rabbit Creek. On this account in many instances the land upon which many Indians had improvements and which they desired reserved for them under article 14, was sold by the government at its public land sales, and the Choctaws thus deprived of their land. This action of the government caused a great many complaints among the Choctaws. So much so that in 1837 the matter was called to the attention of Congress, and in 1837 and 1842 Congress, by acts passed in those years, created commissions who went to Mississippi to hear the claims of Choctaws under article 14 of the treaty of 1830, and made report to Congress. Did Susan Townsend appear before either one of these commissions appointed under the acts of Congress approved March 3, 1837 or August 23, 1842, and attempt to establish her rights under article 14 of the treaty of Dancing Rabbit Creek? A I can't say.
- Q Did you ever hear that she did? A No sir.
- Q The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Cherokee had complied with all the provisions of article 14 of the treaty of 1830, and that his land had been sold by the government, he would be entitled to select land elsewhere in the state of Mississippi, Louisiana, Alabama or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip. Did Susan Townsend ever receive any scrip from the government of the United States under this act of Congress? A I don't know.
- Q So far as you know was Susan Townsend ever recognized as a member of the Choctaw tribe of Indians? A No sir.
- Q So far as you know did she ever receive any benefits whatever as a Choctaw Indian? A No sir.
- Q Have you any witnesses which you desire to introduce in support of your application? A No sir.
- Q Have you any written evidence that you desire to offer at this time? A No sir.
- Q Do you desire to offer further evidence at a later date? A Yes sir.
- Q You will be allowed until the 24th day of March, 1903, in which to present evidence in support of this application. Are there any further statements that you desire to make at this time? A No sir.
- Q Can you speak or understand the Choctaw language? A No sir.
- Q Could your mother speak the Choctaw language? A No sir.
- Q Have you any brothers living? A Yes sir.
- Q What are their names? A Willie and Isiah.
- Q Are they married? A Willie Bush is.
- Q Has he any children? A He has two.
- Q Do you know their names? A He was ahead of me. He has been here.
- Q Have you any sisters living? A Yes sir.
- Q What are their names? A Mary Davis and Lina Fortner.
- This applicant has the appearance of being a white man; and

4-James Bush

shows no indication of being possessed of Choctaw blood. He has black eyes, dark complexion and dark hair. He has no knowledge of any compliance on the part of his ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek.

-----o-----

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the proceedings in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

*Frances R. Lane*

Subscribed and sworn to before me this March 16, 1903.

*John G. Lieber*

Notary Public.

M C R 6893

Muskogee, Indian Territory, November 12, 1903.

James Bush,

Torrent, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

COMM. M.C.R. 6893

Muskogee, Indian Territory, September 16, 1904.

James Bush,

Torrent, Kentucky.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing your application for identification as a Mississippi Choctaw.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,  
(SIGNED)

*Tams Bixby.*

Chairman.

Registered.



MCR-6393.

Muskogee, Indian Territory, October 5, 1906.

James Bush,

Torment, Kentucky.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of September 16, 1904, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Henry C. Townsend et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

5 6893

No. R. 6893

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

MAR 10 1903

Name *James Bush*  
Date  
Age *30* Blood *1/16*

Post Office, *Torrent Ky*

Father: *John Bush. D*

Mother: *Amanda Mandy Maloney L*

Claims through *Mother*

*Applies for self  
alone*

Children:

Stenographer *Frances Lane*

IDENTIFICATION  
A MISSISSIPPI CHOCTAW.

R. 008

*James Bush*

DECISION RENDERED

SEP 16 1904

REFUSED. SEP 16 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

SEP 16 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

SEP 16 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

SEP 16 1904

CORRECTION

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 19 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT

OCT - 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT

OCT - 5 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

OCT - 5 1906

Choctaw MCR 6894

George Townsend

MCR 6894

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes/  
Muskogee, I. T., March 10, 1903.

M. C. R. 6894.

In the matter of the application for identification as Mississippi Choctaws of George Townsend and his four minor children, Jimmie O., Joseph F., Mary Alice and Viola May Townsend.

George Townsend, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A George Townsend.  
Q How old are you? A 43 years old.  
Q What is your postoffice address? A Terrent, Wolf County, Kentucky..  
Q How long have you lived in Terrent, Kentucky? A I have lived there about ten years.  
Q Where did you live before that? A In Estill county, Kentucky--born and raised there.  
Q What is your father's name? A Garrett Townsend.  
Q Is he living? A No sir.  
Q Is your mother living? A No sir.  
Q What is her name? A Sarah Townsend.  
Q Through which of your parents do you claim your Choctaw blood? A My father  
Q How much Choctaw blood do you claim? A About 1/8.  
Q Were your father and mother legally married? A Yes sir.  
Q Where were they married? A Powell county I believe, Kentucky.  
Q Have you any evidence of their marriage with you at this time? A No sir.

It will be necessary for you to furnish this Commission with evidence of the marriage of your father and mother.

- Q When were they married? A I don't know.  
Q Where was your father born? A I suppose he was born in Kentucky; I don't know what county.  
Q He was born in Kentucky and lived there all his life? A I suppose he did.  
Q Through which parent did he claim Choctaw blood? A His mother.  
Q What was her name? A Susan Robinson.  
Q Did she marry James Townsend? A Yes sir.  
Q How old would your father be if he were living now? A He would be between 84 and 86; probably 85; I don't know his exact age.  
Q When did your grandmother Susan Townsend die? A In 1863 I think.  
Q She was living in Kentucky and the head of a family in the year 1830, was she not? A Yes sir.  
Q And had been living there some years before that? A I think so.  
Q When she died in Kentucky? A Yes sir.  
Q She never lived in Mississippi after the birth of your father did she? A I think not.  
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, by the Choctaw tribal authorities or the authorities of the United States? A I think not.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Susan C. Townsend.

2-George Townsend et al.

- Q Is she living? A Yes sir.  
Q Is she a white woman? A Yes sir.  
Q You make no application for her? A No sir.  
Q Have you any children under 21 years of age and unmarried for whom you wish to make application? A Yes sir.  
Q How many have you under age? A Four.  
Q What are their names? A Jimmie O. is one of them.  
Q How old is Jimmie? A Six years old.  
Q What is the next one? A Joseph F.  
Q How old is Joseph? A He is three past.  
Q What is the name of the next? A Mary Alice.  
Q How old is Mary? A She is two year old past.  
Q What is the name of the next? A Viola May.  
Q How old is Viola May? A Six months.  
Q That is all of your children? A Yes sir.  
Q You are the father of these children? A Yes sir.  
Q What is the name of their mother? A Susan C. Townsend.  
Q These children are all living with you at your home? A Yes sir.  
Q When were you married? A Married in 1896--7 years ago.  
Q Where were you married? A Married in Wolf county, Kentucky.  
Q Who performed the marriage ceremony? A Tobias Smith.  
Q Were you married under a license? A Yes sir.  
Q Have you your marriage license and certificate with you at this time?  
A Yes sir.

Applicant offers in evidence certified copy of marriage license and certificate between George W. Townsend and Sarah Catherine Meadows, which is marked Exhibit A. and made a part of the record in this case.

- Q This application is for yourself and four minor children? A Yes sir.  
Q Is your name or the name of any of your minor children for whom you make application to be found upon any of the tribal rolls of the Choctaw nation in Indian Territory? A I don't understand the Question.  
Q Is your name or your children's names on any of the rolls of the Choctaw nation here in Indian Territory? A No sir.  
Q Did you or did anyone for you ever make application to the tribal authorities of the Choctaw nation in Indian Territory to be enrolled as a member of that tribe? A No sir.  
Q Did you, or did anyone for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under the act of Congress approved June 10, 1896?  
A No sir.  
Q Have you or have any of your minor children ever been admitted to citizenship in the Choctaw nation by the tribal authorities, the Commission to the Five Civilized Tribes or the United States court for Indian Territory? A No sir.  
Q Have you ever made application prior to this time for yourself or for your minor children to either the tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Choctaw nation? A No sir.  
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and your minor children, under the provisions of the 14th article of the treaty of 1830? A Yes sir.  
Q Do you understand the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I don't know as I do particularly.  
Q The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line.

3-George Townsend et al.

The object of the treaty was to secure the removal of the Choctaws from the country occupied by them in Mississippi, to the new country west of the Mississippi river part of which is known now as the Choctaw nation in Indian Territory. At the time the treaty was made some of the Choctaws didn't want to go to the new country, and for the benefit of those who preferred to remain in Mississippi article 14 was put into the treaty. Such article reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not entitled to any portion of the Choctaw annuity." Do you think you understand this 14th article now? A I think I do.

Q What is the name of your Choctaw ancestor who was living and the head of a family in 1830? A Susan Townsend.

Q Susan Townsend was your grandmother? A Yes sir.

Q She was living in Kentucky and the head of a family at the time this treaty was made, wasn't she? A I think so.

Q Did Susan Townsend ever comply or attempt to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I couldn't tell you. I don't know.

Q Was she living in the old Choctaw nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I couldn't tell you; I couldn't say.

Q You know as a matter of fact, that she was living in Kentucky at that time? A I think she was.

Q Was Susan Townsend ever recognized as a member of the Choctaw tribe of Indians in Mississippi or Alabama? A I can't say; I do not know.

Q Did Susan Townsend own an improvement at that time upon what constituted the old Choctaw nation in Mississippi and Alabama? A I can't tell you. I can't say.

Q Did Susan Townsend remove from the old Choctaw nation in Mississippi to the present Choctaw nation in the Indian Territory at the time of the removal of a greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I can't say.

Q Was Susan Townsend ever in the Choctaw nation, Indian Territory? A I cannot tell that.

Q Did Susan Townsend within six months from the ratification of the treaty of Dancing Rabbit Creek, signify to the agent of the government at that time her intention to remain in Mississippi and become a citizen of the states as provided by article 14 of the treaty of Dancing Rabbit Creek? A I can't tell you whether she did or not.

Q Did Susan Townsend ever claim or receive any land in Mississippi from the government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir, I think not.

Q Did you ever hear of Susan Townsend going to Mississippi within a few months after the year 1830? A I never heard of Susan Townsend going; I heard of Jim Townsend going.

4-George Townsend et al.

- Q What relation was he to her? A Her husband.
- Q In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the United States. The records of the government show that this agent in many instances, failed to record the names of many Choctaws who did signify to him their intention to remain and take land under the provisions of article 14 of the treaty of 1830, and on this account in many instances, the land occupied by Choctaws and upon which they had improvements was sold by the government at its public land sales. This caused a great deal of complaint among the Choctaws, and in 1837 and in 1842 Congress created commissions whose duty it should be to go to Mississippi and hear evidence in cases where Choctaws might claim that they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but had not received land thereunder. Did Susan Townsend appear before either of these Commissions appointed under the act of Congress approved March 3, 1837 or that of August 23, 1842 and attempt to establish her rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select land elsewhere in the states of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip. Did Susan Townsend ever receive any scrip from the government of the United States under this act of Congress?
- A I don't think so.
- Q So far as you know was she ever recognized as a Choctaw Indian?
- A No sir.
- Q So far as you know did she ever receive any benefits as a Choctaw Indian?
- A No sir.
- Q Have you any witnesses that you desire to introduce today? A No sir.
- Q Have you any written evidence that you wish to offer at this time?
- A No sir.
- Q You desire time in which to introduce evidence at a later date?
- A Yes sir.
- Q You will be allowed until the 24th day of March, 1903 in which to introduce testimony in support of this application. Are there any further statements that you desire to make at this time? A No sir.
- This applicant has the appearance of being a white man, and shows no indications of being possessed of Choctaw blood. Light complexion, blue eyes, sandy mustache, brown hair, and none of the features or characteristics of a Choctaw Indian. He knows of no compliance on the part of his ancestors with the provisions of article 14 of the treaty of 1830.
- Q You stated awhile ago that James Townsend went to Mississippi; what did you mean by that? A I don't know as I said he went there; I thought he went. someone said he went. I cannot say that he did go.
- Q Can you speak the Choctaw language? A No sir.
- Q Could your father speak the Choctaw language? A No sir.
- It will be necessary that you furnish the Commission with evidence of the marriage of your father and mother in support of your application which you make for yourself as a Mississippi Choctaw Indian.
- Q Have you any brothers living? A Yes sir.



5-George Townsend et al.

- Q What are their names? A I have one here, F. M. Townsend. Newton Townsend, Sidney Townsend, Shelton Townsend and Lewis Townsend.
- Q Any sisters living? A No sir.
- Q Any sisters dead who left children? A Yes, two.
- Q What are their names? A Vina Ellen Townsend; younger sister's name is Mary Alice.
- Q Who did Vina Ellen marry? A She married Fielden Bush.
- Q What are the names of their children? A Elden, Lula, Ambros, Charley, Jackson, Alice and Laura Bush.
- Q Was Vina Ellen's husband's husband a white man? A Yes sir.
- Q Was Mary Alice married? A Yes sir.
- Q What is her husband's name? A Sanford Hall.
- Q Did she leave any children? A Yes sir.
- Q What are their names? A Clayton, Charley, Coleman; I don't know the other's names; there is two or three more.
- Q Have you any relatives who have been before the Commission?
- A Yes, Mary Davis.

This case will be consolidated with that of Mary Davis,  
M. C. R. No. 6861.

-----o-----

Frances R. Lane upon oath states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony in the above entitled cause, and that the foregoing is an accurate transcript of her stenographic notes thereof.

*Frances R. Lane*

Subscribed and sworn to before me this March 16, 1903.

*John H. Lieber*

Notary Public.

M C R 6894

Muskogee, Indian Territory, November 12, 1903.

George Townsend,

Torrent, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, September 16, 1904.

George Townsend,  
Torrent, Kentucky.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your minor children, Jimmie O. Townsend, Joseph F. Townsend, Mary Alice Townsend and Viola May Townsend.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tamm Dixby.*

Chairman.

Registered.

MCR-6894.

Muskogee, Indian Territory, October 5, 1906.

George Townsend,  
Torrent, Kentucky.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of September 16, 1904, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Henry C. Townsend et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

UCT 22 1904

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

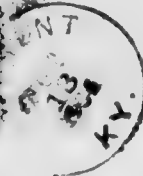
*Return to writer  
unclaimed in his moving  
to that place*

RE

George Townsend,

~~Tor~~rent, Kentucky.

Reg # 222



6894

No. R. 6894

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date MAR 10 1903

Name George Townsend

Age 43.

Blood

~~1/8~~ 1/8

Post Office, Torrent, Ky

Father: Garrett Townsend D

Mother: Sarah Townsend D

Claims through Father

Wife: Susan C. Townsend L

No claim for her.

Children:

Jimmie O. Townsend C.

Joseph F. " 3

Mary A. " 2

Viola M. " 6ms

(Claims for self & 4  
minor children)

Stenographer

Ferna Lane

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

*George Townsend et*

DECISION RENDERED

SEP 16 1904

REFUSED. SEP 16 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

SEP 16 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

SEP 16 1904

NOTICE OF DECISION  
FORWARDED BY ATTORNEY  
FOR APPLICANTS.

SEP 16 1904

ACTION APPROVED BY SECRETARY OF INTERIOR.

SEP 19 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED BY APPLICANT.

OCT 1 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED BY APPLICANT.

OCT 1 1906

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED BY APPLICANT.

OCT 5 1906



Choctaw MCR 6895

Fielding Townsend

MCR 6895

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 10, 1903.

---o---

In the matter of the application of Fielding Townsend for the identification of himself and his four minor children, John N., Cora Lee, Mary and W. G. Townsend, as Mississippi Choctaws.

Fielding Townsend being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? Fielding Townsend.  
Q What is your age? A Thirty-one.  
Q What is your post office address? A Torrent, Kentucky.  
Q Have you lived in Kentucky All your life? A Yes, sir.  
Q And in Torrent how long? A All my life.  
Q Is your father living? A Yes, sir.  
Q Is your mother living? A Yes, sir.  
Q What is your father's name? A Newton Townsend.  
Q What is your mother's name? A Adelaide Townsend.  
Q Through which parent do you claim Choctaw blood? A My father.  
Q How much do you claim? A One-sixteenth.  
Q Was your father one-eighth Choctaw? A Yes, sir.  
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir not that I know of.  
Q What is your wife's name? A Rosie.  
Q She is living? A Yes, sir.  
Q What is her race? A White.  
Q Do you make any claim for your wife? A No, sir.  
Q Give the name of your oldest child? A John N. Townsend.  
Q How old is he? A Seven years old.  
Q The next? A Cora Lee Townsend.  
Q How old is she? A Five years old.  
Q The next? A Mary Townsend.  
Q How old? A Two years old.  
Q The next? A W. G. Townsend.  
Q How old is he? A About eight months old.  
Q You claim for yourself and these children do you? A Yes, sir.  
Q Is your wife Rosie the mother of these children? A Yes, sir.  
Q Are you and she living together as husband and wife and are these children living with you at your home? A Yes, sir.  
Q Have you proof of your marriage to her? A No, sir.  
Q When were you married to her? A Estile county Kentucky.  
Q Were you married by a minister under a license? A Yes, sir.  
Q Is your name or are the names of any of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Never lived in the Indian Territory did you? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory for yourself and children? A No, sir.

- Q Have you ever made any application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities, the Dawes Commission or the United States court in Indian Territory? A No, sir.
- Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, sir.

In the year 1830 a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek. The date of this treaty was 27th September of that year. It was made between the United States government and the Choctaw Indians who lived in the old Choctaw Nation, which was partly in Mississippi and partly in Alabama. At the time when this treaty was made these Indians had always lived there and the object of the making of this treaty on the part of the government was to get the consent of the Indians to remove from the old Choctaw Nation to the Choctaw Nation Indian Territory. The reason why they wanted them to go was because the Indians were oppressed and their rights were infringed and their lands were taken away from them by the white people living in Mississippi and Alabama where the old Choctaw Nation was. At that time and the government thought if they were transported to the Indian Territory on government land they could there protect them in their tribal government. That was the object of making the treaty but an Indian, will rarely if ever, born and raised at the place where he and his ancestors have always lived, move by his own consent, so that when it became known that a great many Choctaw Indians would not go to the new nation with the other Indians in order to protect the interest of those Indians, whom we now call Mississippi Choctaws, article fourteen was drafted and put into the treaty. After that article was put into the treaty then the treaty was signed and ratified. Now it is under article fourteen of that treaty that you are making claim ~~in~~ today, if that article wasn't there you wouldn't have any claim now. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ~~than~~ ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation

shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The annuity was the money paid to each individual of the tribe who removed to the new country, that was to enable them to get a start in the new country until they could get a start. That annuity money would not be paid to the Indian unless they ~~w~~ went to the new country.

- Q Do you know whether any of your Choctaw ancestors complied with that article? A No, sir, I don't.
- Q What is the name of the ancestor through whom you claim your right to be identified? A Lewis Robinson.
- Q Is that as far back as you can go? A Yes, sir, through his wife.
- Q What was his wife's name? A I don't know her name.
- Q Did Lewis Robinson have any Choctaw blood? A No, sir.
- Q Did his wife? A Yes, sir.
- Q But you don't know her name? A No, sir.
- Q How much Choctaw blood did his wife have? A Full blood.
- Q Was Lewis Robinson a white man? A Yes, sir.
- Q Who of your relatives have been before the Commission to be identified? A W. B. Bush, Mary Davis, Lina Fortner-
- Q Do you know whether Lewis Robinson's wife lived in the old Choctaw Nation either in Mississippi or Alabama in 1830 and was head of a family at that time? A No, sir, I don't know.
- Q What relation was Lewis to you? A Great great grandfather.
- Q And his wife was your great great grandmother? A Yes, sir.
- Q Don't know any part of her name? A No, sir, I don't.
- Q Do you know whether she or any one for her within six months after the ratification of the treaty of 1830 went to the United States Indian Agent Colonel Ward and told him they wanted to stay, take land and become citizens of the states? A No, sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between the years 1833, 1838 or ~~1839~~ 1840? A I don't know sir.
- Q Did any go before Colonel Ward within six months after the ratification of the treaty of 1830 and tell him they wanted to stay and take lands there? A I don't know.
- Q Did any of your Choctaw ancestors live on land in that old Choctaw nation for five years after the treaty of 1830 was ratified and at the end of that time get a deed or patent from the government? A I don't know that they did never heard.
- Q Did any of your Choctaw ancestors go from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know, sir.
- Q Did any of them own any improvements in the old Choctaw Nation in 1830? A I couldn't tell you.
- Q Did any of your Choctaw ancestors go before a commission in 1837 or a commission in 1842 and claim any benefits under article

fonteen of the treaty of 1830? A I couldn't tell.

These commissions were appointed for the purpose of hearing Choctaw Indians who claimed that they had registered or attempted to register under article fourteen of the treaty of 1830 but ~~xx~~ because Colonel Ward did not allow them to register their land which they occupied at the that time had been taken from them by the government and sold at its public land sales.

- Q Do you know whether any of your ancestors went before either of those commissions? A No, sir.  
Q Did any of your Choctaw ancestors receive scrip? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842 and was issued to those Choctaw Indians who proved their rights under article fourteen and also proved that their land had been taken from them and sold by the government at its public land sales.

- Q Do you speak or understand the Choctaw language? A No, sir.

Time will be allowed this applicant up to and inclusive of March 24, 1903 for the introduction of other proof in this case if he so desires.

- Q What relation is Mary Davis to you? A Cousin.

C.R. 6861 Mary Davis is here referred to for the purpose of consolidation.

This applicant has the physical characteristics of being descended from white parentage, brown hair, brown eyes, light mustache; doesn't understand or speak the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with any of the provisions of this article.

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Chas. Diffendaffer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, taken at Muskogee, Indian Territory, March 10, 1903 and that the foregoing is a full, true and correct of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 7 day of April 1903.

*Charles H. Sawyer*

Notary Public.

M C R 6895

Muskogee, Indian Territory, November 12, 1903.

Fielding Townsend,

Torrent, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

COPY.

M.C.R. 6895

Muskogee, Indian Territory, September 16, 1904.

Fielding Townsend,  
Torrent, Kentucky.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your four minor children, John N. Townsend, Cora Lee Townsend, Mary Townsend and W. G. Townsend.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Jane Dixby.*

Chairman.

Registered.



MCR-6895.

Muskogee, Indian Territory, October 5, 1906.

Fielding Townsend,

Torcent, Kentucky.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of September 16, 1904, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Henry C. Townsend et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.



6195

No.

6895

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name *Felding Townsend*,Age *31* - Blood *1/16*Post Office, *Torrent, Ky-*Father: *Newton Townsend* *l*Mother: *Adelade* " *l.*Claims through *father* *1/8*

Wife,

*Rosie Townsend* *l. w.*

No claim for wife.

Children:

*John N. Townsend*, *7**Cora L.* " *6**Mary* " *2**W. L.* " *8m*Claims for self  
and children

Stenographer

*Chas. W. B. B. B.*

FOR IDENTITY OF  
A MISSISSIPPI CHOCTAW.

*Fielding Townsend*

DECISION RENDERED SEP 16 1904

REFUSED. SEP 16 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

SEP 16 1904

COPY OF DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS

SEP 16 1904

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS.

SEP 16 1904

RECORD FORWARDED DEPARTMENT. OCT 19 1904

ACTION APPROVED BY SECRETARY OF INTERIOR

SEP 19 1906

OFFICE OF DEPARTMENTAL ACTION

OCT 5 1906

NOTICE OF DECISION  
FORWARDED ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS

OCT 7 1906

OFFICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR CHOCTAW AND  
CHICKASAW NATIONS

OCT 5 1906

Choctaw MCR 6896

Reuben Townsend

MCR 6896

Department of the Interior  
Commission to the Five Civilized Tribes  
Muskogee, I.T. March 10, 1903.

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In the matter of the application of Reuben Townsend for the identification of himself as a Mississippi Choctaw.

S. M. Cobb attorney for applicant.

Reuben Townsend being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Reuben Townsend.  
Q What is your age? A Fifty-seven.  
Q What is your post office address? A Patsey, Kentucky.  
Q Have you always lived in Kentucky? A Yes, sir.  
Q How long in Patsey? A Well I have lived there - all my life.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q Do you claim your Choctaw blood through your father or mother?  
A My father.  
Q How much do you claim? A One-eighth.  
Q Do you claim your father was one-quarter Choctaw blood? A Yes, sir.  
Q What was your father's name? A Reuben Townsend.  
Q What was your mother's name? A Kizzio.  
Q Has your father ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Have you proof of your marriage of your father and mother with you? A No, sir.  
Q Do you know when and where they were married? A No, sir - in Kentucky.  
Q Are you married? A Yes, sir.  
Q What is your wife's name? A Millie Ann.  
Q Is she living? A Yes, sir.  
Q What is her race? A Her race is white and English.  
Q Do you claim anything for her? A No, sir.  
Q Have you any children under age? A No, sir.  
Q You claim for yourself alone? A Yes, sir, children are all over age.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.  
Q Have you ever made application for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever ~~is~~ up to the present time? A No, sir.

- Q Do you come before the commission now to identify yourself as a Mississippi Choctaw? A Yes, sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes, sir.
- Q Do you understand that article well enough to claim under it? A Well I think I do.

The article in the treaty of 1830 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of that treaty? A No, sir.
- Q What relation is Fielding Townsend to you? A Second cousin.
- Q Whom do you claim your Choctaw blood through? A Lewis Robinson's wife.
- Q Was Lewis Robinson an Indian? A No, sir.
- Q White man? A Yes, sir.
- Q What was his wife's name? A Well I couldn't tell you only what my parents say, they said her name was Nancy.
- Q Did she have any Choctaw blood? A Yes, full blood.
- Q What relation was she to you? A She would be my great grandmother.
- Q Did she live in Mississippi in 1830 and have a family then? A I don't know.
- Q Did she ever live in Mississippi or Alabama? A I don't know.
- Q Did any of your ancestors having Choctaw blood live in the old Choctaw Nation? A None except Robinson I suppose she did.
- Q Did his wife live there? A Well I don't know only what my father said. My father said his grand-father and grand-mother lived in the Indian Nation in Mississippi.
- Q In the old Choctaw Nation? A Yes, sir.
- Q Did they tell you they lived there in 1830 and had a family there then? A They didn't tell me any dates.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you to day, when the Choctaws or a great many of them migrated and went to the Indian Territory? A Not that I know of.

- Q Did any of your ancestors live on land in that old Choctaw Nation for five years and then get a patent from the government for that land? A No, sir.
- Q Did any of your Choctaw ancestors go to Colonel Ward the Indian Agent within six months after the treaty was ratified and register or attempt to register under article fourteen of that treaty? A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvement in the old Choctaw Nation in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors claim any lands in Mississippi or Alabama under the treaty of 1830? A Not as I know of, I never heard that they did.
- Q Did any of your Choctaw ancestors go before a Commission appointed March 3, 1837 or a commission appointed by an act of Congress August 23, 1842 and claim any benefits under article fourteen of the treaty of 1830? A Not as I know of.
- Q These two commissions were appointed by various acts of Congress to hear the complaints of Choctaw Indians who claimed that they had registered or attempted to register under article fourteen of the treaty of 1830, but because they had been refused registration their lands had been taken from them and sold by the government at its public land sales.
- Q Did any of your Choctaw ancestors receive any scrip which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No, sir, not-
- Q This scrip was issued under an act of Congress approved August 23, 1842.
- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Are you a relation of Mary Davis? A Yes, sir second cousin.
- Q Do you want to have your case consolidated with her application? A Yes, sir.

H.C.R. 6861 Mary Davis is referred to for the purpose of consolidation.

This applicant will be allowed up to and inclusive of March 24, 1903 for the purpose of introducing other proof in this case if he so desires.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown hair, light brown whiskers now somewhat gray, gray eyes, and has no knowledge of a compliance or attempted compliance on the part of any of his ancestors with any of the provisions of article 14.

Examination by attorney:

- Q Have you ever heard your ancestors say that Lewis Robinson through whom you claim a right to be identified as a Mississippi Choctaw lived upon the Tombigbee River in Mississippi or Alabama? A My father said his grandfather lived on a river I don't remember whether he said the river or not.
- Q Did you ever hear any of your ancestors say that he operated a ferry boat? A Yes, sir my father left his father and went to where his grandfather was in Mississippi and he said his grandfather owned a ferry boat on a river.

6896-4

Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory, March 10, 1903, and that the foregoing is a full, true and correct transcrip of his stenographic notes taken in said cause on said date.

*Chas. Diffendaffer*

Subscribed and sworn to before me this 7 day of April, 1903.

*Charles H. Sawyer*  
Notary Public.

Muskogee, Indian Territory, November 12, 1903.

M. S. Cobb,

Attorney-at-Law,

Hot Springs, Arkansas.

Dear Sir:

You are hereby advised that the Commission has this day notified Reuben Townsend that he will be allowed thirty days from this date in which to submit further evidence in support of his application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.



M C R 6896

Muskogee, Indian Territory, November 12, 1903.

Reuben Townsend,

Patsey, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M.C.R. 6896  
COPY.

Muskogee, Indian Territory, September 16, 1904.

Reuben Townsend,  
Pattsey, Kentucky.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing your application for identification as a Mississippi Choctaw.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tams Dixby.*

Chairman.

Registered.

MCR-3393.

Muskogee, Indian Territory, October 5, 1906.

Reuben Townsend,  
Patsy, Kentucky.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on September 19, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of September 16, 1904, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Henry C. Townsend et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

6896

No.

6896

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name Reuben Townsend

Age 57- Blood 1/8

Post Office, Patsey, Ky.

Father: Reuben Townsend d

Mother: Kizzie " d

Claims through father, 1/4,

wife,

Millie Ann " S. W.

No claim for husband

Children:

Claims for my  
alone

Stenographer Chas. Rogers offic.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R. 68

*Ruben Townsend*

DECISION RENDERED SEP 16 1904

REFUSED. SEP 16 1904

NOTICE OF DECISION FORWARDED  
APPLICANT

SEP 16 1904

COPY OF DECISION FORWARDED  
ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

SEP 16 1904

NOTICE OF DECISION  
FORWARDED ATTORNEYS  
FOR APPLICANTS.

SEP 16 1904

RECORD FORWARDED OCT 10 1904

ACTION APPROVED SECRETARY OF INTERIOR  
SEP 19 1904

NOTICE OF DEPARTMENTAL ACTION  
OCT 10 1904

OCT 10 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

OCT 10 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW AND  
CHICKASAW NATIONS.

OCT - 5 1906

Choctaw MCR 6897

Newton Townsend

MCR 6897

Department of the Interior  
Commission to the Five Civilized Tribes.  
Muskogee, I.T. March 10, 1903.

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In the matter of the application of Newton Townsend for the identification of himself and his five minor children, Wardie E., Louis, Jefferson, Linnie and Georgie Townsend, as Mississippi Choctaws.

M.S. Cobb attorney for applicants.

Newton Townsend being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A Newton Townsend.  
Q What is your age? A Fifty-three.  
Q What is your post office address? A Hazelgreen, Kentucky.  
Q How long have you lived in Kentucky? A All my life.  
Q How long in Hazelgreen? A Two years.  
Q Is your father living? A No, sir.  
Q Is your mother living? A No, sir.  
Q What is your father's name? A Garrett Townsend.  
Q What is your mother's name? A Sarah Townsend.  
Q Do you claim your Choctaw blood through your father or mother?  
A Father.  
Q How much do you claim? A One-eighth.  
Q Was your father one-fourth? A Yes, sir.  
Q Has he ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.  
Q Do you know when and where he was married? A In Kentucky.  
Q At what place? A Estile county.  
Q What was the date and year of that marriage? A I don't know.  
Q Have you the proof of their marriage with you? A No, sir.  
Q Were they married by a minister under a license? A Yes, sir.  
Q Is your wife living? A Yes, sir.  
Q What is her race? A She is white.  
Q Do you make any claim for your wife? A No, sir.  
Q What is her name? A Adelaide Townsend.  
Q What relation is Fielding Townsend to you? A My son.  
Q He has just made application today hasn't he? A Yes, sir.

M.C.R. 6895 is here referred to.

- Q What is the name of your oldest child under age and unmarried?  
A Lou.  
Q How old? A Thirty.  
Q I said under age and unmarried. What is the name of your oldest child under age and unmarried? A Wardie E. Townsend.  
Q How old? A Eighteen.  
Q The next? A Louis.

- Q How old? A Sixteen years old.  
 Q The next? A Jefferson Townsend.  
 Q How old? A Fourteen.  
 Q Next? A Linnie Townsend.  
 Q How old? A Twelve.  
 Q Next? A Georgie.  
 Q Boy? A Yes, sir, ten years old.  
 Q Is Linnie a girl? A Yes, sir.  
 Q Is Wardie a boy? A Yes, sir.  
 Q You claim for yourself and these five children? A Yes, sir.  
 Q When were you married to your wife and where? A Wolfe County Kentucky.  
 Q What date? A I have it here sir.  
 Q Is this date August 15, 1867? A Yes, sir, got it from the bible.  
 Q Is your name with the names of your children on any of the tribal roll of the Choctaw Nation in Indian Territory? A I think I am sir.  
 Q You think you are enrolled in the Choctaw Nation Indian Territory? A No, sir.  
 Q Never lived in the Indian Territory? A No, sir.  
 Q Have you ever make application for citizenship in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities in Indian Territory or to the Dawes Commission under the act of June 10, 1896? A Never have.  
 Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No, sir.  
 Q Do you come before the Commission now to identify yourself and these children as Mississippi Choctaws? A Yes, sir.  
 Q Do you claim under article fourteen? A Yes, sir.  
 Q Do you think you understand that article? A I don't know.

The treaty of 1830 was made by the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek September 27. The object of the government in making this treaty with the Indians was to remove them from the old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would refuse to go with the other Indians; in order to protect the Indians who stayed back there article fourteen was drafted and put into the treaty.

That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if



they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the land of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No, sir.
- Q What is the name of your ancestor that you claim your right to be identified through now? A Lewis Robinson.
- Q Do you spell it Lewis? A Yes, sir.
- Q What was his wife's name? A Well I was told her name was Nancy.
- Q How much Choctaw blood did Lewis have if any? A None at all.
- Q White man? A Yes, sir.
- Q How much Choctaw blood did his wife have? A Full blood.
- Q What relation was she to you? A Great great grandmother.
- Q Do you know whether she lived in Mississippi in 1830 and had a family there then? A I don't know.
- Q Did she ever live in that old Choctaw Nation? A I don't know sir, I think so.
- Q Do you know when? A No, sir.
- Q Did she go to the United States Indian Agent within six months after the ratification of the treaty and register or attempt to register, under article fourteen of the treaty of 1830? A I don't know sir.
- Q Do you know whether she lived on land in that old Choctaw Nation for five years after the treaty of 1830 was ratified and at the end of that time receive a patent from the government? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation Indian Territory at any time between the ratification of the treaty of 1830 and the date of this application made by you today? A I don't know sir.
- Q Did any of your Choctaw ancestors own any improvement in the old Choctaw Nation in 1830? A They owned something and something on a river.
- Q Do you know what it was? A Owned a ferry.
- Q Was that in Mississippi or where was it? A I don't know I have heard my grandmother speak of it.
- Q You claim through your father Garrett Townsend? A Yes, sir.
- Q And he claims through whom? A His mother.
- Q What is her name? A Susan Townsend.
- Q And Susan Townsend claims through whom? A Mother.
- Q What was her name? A I suppose Nancy Robinson.
- Q Did any of these Choctaw ancestors live in Mississippi or Alabama? A I don't think they did only Robinson.
- Q You claim Robinson did do you not? A Yes, sir.
- Q Do you know about it? A No, sir.
- Q Did Nancy Robinson or her husband for her go before a commission appointed by an act of Congress approved March 3, 1837 or a commission appointed by an act of Congress of August 23, 1842 and

claim any rights under article 14 of the treaty of 1830? A Not that I know of.

These commissions were appointed one in 1837 and the other in 1842 for the purpose of hearing Choctaw Indian claimants who tried to register under article 14 of the treaty of 1830 but were prevented from making registration under article 14 of that treaty by Colonel Ward, the United States Indian Agent, and because of this fact the government afterwards took their lands from them and sold it at its public land sales.

- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No, sir.
- Q This scrip was issued under the act of Congress approved August 23, 1842.
- Q Do you understand the Choctaw language? A No, sir.
- Q Are you related to Mary Davis? A Yes, sir.
- Q What relation? A My niece.

M.C.R. 6861 Mary Davis is referred to for the purpose of consolidation.

This applicant will be allowed up to and inclusive of the 24th day of March for the introduction of other proof in this case if he so desires.

Examination by attorney.

- Q In answer to a question you stated that you didn't know whether whether any of your Choctaw ancestors had ever made any application before Ward? A I only know that my grandfather used use to be in that country.
- Q Did you ever hear any one state that any of your ancestors owned any land on the Tombigbee River? A Yes, sir.
- Q Could your grandmother Susan Townsend talk Choctaw? A Yes, sir. she talked Choctaw.
- Q Do you know how many acres of land your ancestor Lewis Robinson owned on the Tombigbee River? A No, sir.
- Q Have you ever heard it said that your ancestor's occupation was constituted in operationing a ferry? A Yes, sir.
- Q Did you ever hear your ancestors say that they lived neighbors to a family down there named Pebworth? A Yes, sir.

By Commission: This applicant has the appearance of being descended from white parentage, light brown hair, mustache brown blue eyes, has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

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Chas. Diffendaffer, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he

6897-5

reported the proceedings had in the above entitled cause taken at Muskogee, Indian Territory March 10, 1903, and that the foregoing is a full true and correct transcript of his stenographic notes taken in said cause on said date.

*Chas. Dippendaffer*

Subscribed and sworn to before me this <sup>14</sup>7 day of April 1903.

*Charles H. Sawyer*

Notary Public.

M C R 6897

Muskogee, Indian Territory, November 12, 1903.

Newton Townsend,

Hazelgreen, Kentucky.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 12, 1888

M. S. Cobb,

Attorney-at-Law,

Hot Springs, Arkansas.

Dear Sir:

You are hereby advised that the Commission has this day notified Newton Townsend that he will be allowed thirty days from this date in which to submit further evidence in support of his application of himself and minor children for identification of the Mississippi Choctaws, and at the expiration of said time the Commission will proceed to render its decision therein, and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman

M.C.R. 6897

COPY:

McKees, Indian Territory, September 16, 1904.

Wardie Townsend,

Haselgreen, Kentucky.

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on September 16, 1904, rendered its decision refusing the application for identification as Mississippi Choctaws of yourself and your children, Wardie E. Townsend, Louis Townsend, Effie Townsend, Linnie Townsend and Georgie Townsend.

You are further advised that you will be allowed fifteen days from the date of this notice within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

SIGNED)

W. L. H. H.

Chairman.

Registered

3  
WGR-6897.

Ma

Newton Townsend,  
Hazelgreen,

Dear Sir:-

You a  
Interior, on Septe  
Commission to the  
refusing to identifi  
in the consolidated  
the application for  
children, Wardle, J  
is a part.

6897

No. 6897

## FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Date

Name Newton Townsend

Age 53 - Blood 1/8

Post Office, Hazel green Ky.

Father: Garrett Townsend. &amp;

Mother: Sarah " &amp;

Claims through father 1/4

wife

Adelaide Townsend l.w.

No claim for wife

Children:

L. Allen " M

Wardie E. Townsend, 18

Louis " 16

Jefferson " 14

Linnie " F 12

Georgie " M 10

Claims for self &  
5 children

Stenographer Chas. Reed &amp; Co.



FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

R.

*Newton F. ...*

DECISION RENDERED

SEP 16 1904

REFUSE

NOTICE OF DECISION FORWARDED  
APPLICANT

DECISION FORWARDED  
ATTORNEY FOR CHOCTAW AND  
CHICKSAW NATIONS

SEP 1

NOTICE OF DECISION  
FORWARDED ATTORNEY  
FOR APPLICANTS

VIA

OCT

OCT

MISSISSIPPI CHOCTAW NATION

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